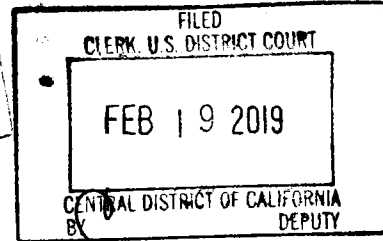
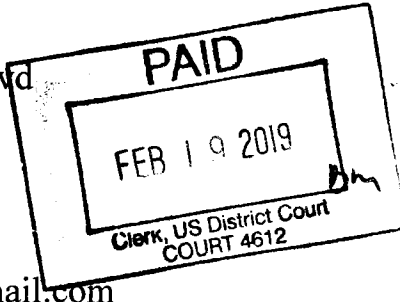


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**UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA**

CV19-1218-CAS (Hox)
 CASE NUMBER:

ROBERT BAKER, an individual

Plaintiff.

vs.

PLAINTIFF'S FIRST COMPLAINT

STEVEN A. GOLDMAN, Special
 Agent Federal Bureau of Investigation;
 BENJAMIN LICHTMAN, in his
 capacity as Assistant United States
 Attorney; WILLIAM BARR, attorney
 general for US. Department of Justice.
 LEAH T. WILSON, Executive Director
 of the California State Bar; And the
 CALIFORNIA STATE BAR
 Defendants.

- (1) Sherman Act (15 USC §§ 1 and 2)
- (2) Due process rights(14th & 5th amendments)
- (3) RICO (18 USC §§ 1961 et seq).
- (4) Elder Abuse (Calif. W & I Code §§ 15600-15675)
 - a) Disinherited; Probate code Section 259.
- (5) Breach of Fiduciary Duty: Federal Fiduciary Rule: Fed. Regs.: 29 CFR Parts 2509, 2510, and 2550
- (6) Americans With Disabilities Act

- (42 USC § 12101 et seq.)
- (7) Violations of Securities Act
1933-34(15 USC §§ 1 et seq)
- a. The Investment Advisors Act
of 1940
(15 USC §§ 78aaa through
78111)
- b. The Securities Investor Protection
Act of 1970
(15 USC §§ 78aaa through
78111)
- (8) False Pretences /Conversion
- (9) Violations Under Color of
Authority(Title 18, USC, Sect. 242)
- (10) Fraud/Deceit
- (11) Professional Legal Malpractice:
Fraud
(Business & Professions Code
§6068)
- (12)Fraudulent Concealment/Fraud on
the Court
- (13) Federal Torts Claims Act
- (16) Declaratory Relief
- (17) Challenge to Sovereign Immunity
(A) Federal Bureau of
Investigation
(B) U.S. Attorneys Office.

DEMAND FOR JURY TRIAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff ROBERT BAKER, individually; Plaintiff in the
above-titled cause and files this Complaint against Defendants: Christopher A.
Wray, Director of the Federal Bureau of Investigation(“FBI”) Steven A Goldman.

(GOLDMAN), Special Agent FBI; Matthew A. Wittaker(WHITTAKER), acting Attorney General of the United States' Benjamin Lichtman, Assistant US. Attorney of the US. Department of Justice (AUSA), Leah T. Wilson(WILSON), executive director of the California State Bar; and the CALIFORNIA STATE BAR respectfully bring his causes of action before this Court.

I. Nature of this Action

1. This is an action that is brought for the purpose of protecting the Plaintiff for any civil rights violations, and other causes of actions, Plaintiff may have against the FBI, AUSA, and the STATEBAR for the savage actions they have committed against Plaintiff during the tenure from 2000 to the present time; currently, there are three appeals from a district court case number 2:16-cv-08434-GHW(FMo); Plaintiff discovered the AUSA involvement on February 27, 2017; and thus evokes an additional claim under the Federal Civil Torts Claim. While this federal statute is aimed at negligence issues, under some circumstances, intentional torts are covered. The issues in this complaint will be whether the ends justify the horrific consequences the means utilized by the governmental agencies. Plaintiff believes even Niccolo Machiavelli, author of The Prince, would be shocked by the behavior of the governmental entities to achieve their goals. The goal Plaintiff was informed by the special agent of the FBI was to clean up the corruption of the State Bar; Not to question the expertise or sophistication of either the FBI or the AUSA office but should it take over 12 years to fix the system culminating in the recently approved new Professional Conduct Rules(Rules) and regulations effective November 1, 2018 by the California Supreme Court. It is possible that the FBI and the AUSA came in earlier such as 2001 and therefore, the question is: does it take 18 years to fix the system. If it does, how corrupt was the system! One very interesting change in the case at hand, and the facts as enumerated in the factual allegations below that the

1 FBI and the AUSA office has been very deceptive in their conduct, if not out
 2 flatly lying to Plaintiff and should not be tolerated by this Court. Also, in all
 3 probability the Defendants in this complaint like the Defendants in 2:16-cv-
 4 08434-GHW (FMO);(Exh. 6) will complain, again, that this complaint is poorly
 5 drafted; they are correct, however, had the Defendants not interfered with the
 6 Plaintiff's previous counsel, first, the legal situation would have been resolved in
 7 an reasonable time manner, and second, the complaint would have been drafted by
 8 an expert in drafting federal complaints which require a certain expertise. The
 9 expert would draft the complaint to survive any Motion brought pursuant to
 10 Federal Rules Civil Procedure(FRCP) Section 12. Then, as in, 2:16-cv-08434-
 11 GHW(FMO) Plaintiff was compelled to draft Oppositions to Motions of some of
 12 the Defendants. Then Plaintiff was compelled to have three appeals which are
 13 currently before by the 9th Circuit. If the present compliant survives the Motions
 14 then the Plaintiff would be compelled to do discovery such as, taking
 15 Depositions (Plaintiff has been the subject of several bogus, as defined by the
 16 Oxford English Dictionary(OED) of being "spurious, fictitious, sham",
 17 depositions such as in December 2001, and 2010 with the express intention that
 18 Plaintiff would break down but has personally never given any depositions),
 19 subpoenas, etc. This is just one small percentage of the damage that AUSA thrust
 20 upon Plaintiff due process rights when they interfered in the legal situation.

21 **II. Jurisdiction and Venue**

22 2. The jurisdiction of this court is invoked and this action is instituted
 23 under the provisions of §§ 1331, 1332, 1337 and 1367 of Title 28. United States
 24 Code (28 U.S.C. §§ 3331, 1332,1337 and 1367) and §§ 4.12 and 16 of the
 25 Clayton Act(15 U.S.C. §§ 15, 22, 26) , and American with Disabilities
 26 Act(ADA) 42 USC §§ 12101 based on federal question , regulation of
 27 commerce and supplemental jurisdiction. It is brought to declare the rights of
 28

1 Plaintiff to recover damages sustained by Plaintiff as a result of Defendants
2 unlawful actions and to obtain injunctive and declaratory relief.

3 3. 28 USC § 1331 which gives districts courts original jurisdiction over
4 civil actions arising under the Constitution , law or treaties of the Untied States

5 4. 28 USC § 1343 (3) and (4), and Sect. 1346(b) which gives district courts
6 jurisdiction over actions to secure civil rights extended by the United States
7 government.

8 5. 28 USC § 1367, which gives the district court supplemental jurisdiction
9 over state law claims.

10 6. The matter in controversy exceeds the sum or value of \$75,000
11 exclusive of interests and costs.

12 7. Venue is proper in the Central District of California under § 12 of the
13 Clayton Act (15 U.S.C. § 22) and under 28 USC §1391 because Defendant's
14 FBI, the AUSA transact business and are found within this District.

15
16 **III. Parties.**

17 **Plaintiffs**

18 8. Plaintiff Robert Baker ("PLAINTIFF") was and is a resident of the State
19 of California, County of Los Angeles during all times mentioned in this complaint

20 **Defendant**

21 9. Steven A. Goldman (hereinafter, "GOLDMAN"), special agent of the
22 Federal Bureau of Investigation (FBI) formerly stationed at the Los Angeles office
23 in charge of the white collar crime squadron.

24 10. Christopher A. Wray(hereinafter, "Wray") is the Director of the Federal
25 Bureau of Investigation.

26 11. William Barr(herein,(hereinafter, "BARR"), the attorney general of the
27 USA
28

1 12. Benjamin Lichtman, is an Assistant United States Attorney(Hereinafter,
2 "AUSA)) for the US. Department of Justice for the Central District of California.

3 13. State Bar of California(hereinafter, "STATEBAR' is an autonomous
4 entity that regulates the practice of law in California.

5 **IV. Common Allegations**

6 14. The common allegations for this lawsuit are lengthy, complicated and
7 complex due to the factual content runs from 1985 to present day. Some of the
8 factual content is given to help put some of the facts in context. Since the legal
9 situation was not linear by any means, this mandated that the following be
10 discussed in an interwoven and sometimes rather confusing set of circumstances.
11 Plaintiff can appreciate the clarion call to clear up the corruption of the State Bar,
12 the NASD(now FINRA), and the judiciary, but certainly not of the total denial of
13 due process rights of Plaintiff, including violating Plaintiff's ADA and Elder
14 Abuse rights to name just a few. However, to help the Court to better understand
15 the main legal dynamics that have taken and will take place Plaintiff presents the
16 following.

17
18
19 **Ameriprise , Cohen's Involvement**

20 15. Plaintiff received a phone call from Stanley Cohen, an agent for
21 Ameriprise, in early 1996 and was told that Kate Baker had moved her monies to
22 Ameriprise, which Plaintiff was already aware of, and Plaintiff should also
23 transfer his monies. Plaintiff was convinced to transfer his monies from Bears
24 Stearns and effectuated a transfer in the early part of 1996 from Bears Stearns to
25 Ameriprise. Plaintiff told Cohen what he wanted to invest in and Cohen stated he
26 would. Jason Semeleng was an associate and assistant for Cohen during the time
27 Plaintiff dealt with Cohen.
28

1 16. Kate Baker died on January 28, 2000 at the age of 81 from pancreatic
 2 cancer. Plaintiff obtained the legal counsel of Maurice Katz(Katz) and I Richard
 3 Ruman(Ruman). After having paid Katz approximately \$40,000 and Ruman
 4 approximately \$32,000, for advice and service, Plaintiff knew he had to seek an
 5 expert in the field of probate and Estate law. The last Will and Testament of Kate
 6 Baker(BAKER 1999) which had serious flaws in it according to forensic expert
 7 Howard Rile, Jr, had been drafted by attorney Callister. When attorney Katz
 8 questioned Callister about the will in 2000 Callister stated to Katz that he had
 9 never meet Kate Baker nor had he ever talked to her on the phone. Plaintiff is
 10 aware of a Baker1994 drafted and signed by Kate Baker in the law office of
 11 Mitchell Silberberg & Knupp, LLP(MSK), but Plaintiff has never been allowed
 12 access to Estate file despite several subpoenas including two subpoenas sent by
 13 Plaintiff in 2012. Attorney Ruman opened up a Probate in an attempt to get MSK,
 14 Cutrow, Callister, and Allen R. Baker(Allen)to bring forth and probate the
 15 Baker1999. Eventually it surfaced and was entered into probate probably because
 16 Ruman made a deal favorable to Allen and MSK and not favorable to Plaintiff, in
 17 hindsight, for obvious reasons. As stated elsewhere the Baker 1999 was very
 18 suspicious according to forensic examiner Howard c. Rile, Jr.

19 20 **Plaintiff's Psychology and Psychoanalytic Training**

21
22 17. Plaintiff believes that his training is relevant since the Defendants in
 23 other lawsuits stated that Plaintiff was "psychologically damaged" and therefore,
 24 Plaintiff's character was lacking. Plaintiffs, in the opinion of other courts and
 25 people, had illusions about being cheated by Defendants in this case and other
 26 Defendants in case 2:16-cv-08434-GHW(FMo)(exh 6), etc. The Defendants in
 27 this case, took advantage of this "psychological damage" since the possibility of
 28 emerging from the emotional and mental state was at best slim to non-existent for

1 reasons explained further on and intentionally interfered with Plaintiff's most
2 fundamental due process rights causing torts and criminal conduct to be covered
3 up and civil damages and declaratory relief to be evaded.

4 18. In June 1993 Plaintiff started to date a certain woman who was both a
5 psychologist and a psychoanalyst. After a few dates she suggested that Plaintiff
6 take a class at the California Graduate Institute(CGI) where she was teaching then
7 we would have a lot more in common to talk about. Plaintiff's severe stuttering
8 was clearly evident during our time together. Plaintiff's father, Ben Baker, had
9 suffered a bi-lateral thalamic stroke which would within a few months cause his
10 death in August, 1993. Prior to his father's death Plaintiff enrolled at CGI for fall
11 classes. Plaintiff choose the history and systems of psychology class which would
12 begin subsequent to Ben Baker's death on August 21, 1993. As Plaintiff began to
13 read the textbook, albeit very slowly, he began to really get into it even though
14 Plaintiff had at that time a severe thinking process disorder and low
15 comprehension capacity. Allen submitted as part of the legal papers in
16 lawsuit(LC060762) in 2002), an affidavit(Exh.1) that Plaintiff was a professional
17 student but more about this in due course. Allen was correct in that Plaintiff took a
18 lot of classes and acquired a lot of degrees but the second part is entirely
19 misinformed. Plaintiff only took classes/degrees beneficial for Plaintiffs business
20 and professional interests. Second, always in Plaintiffs mind was what was the
21 genesis of stuttering? Plaintiff registered for two more classes; abnormal
22 psychology and the group therapy class everyone must take the first year. During
23 the group therapy class Plaintiff encountered two people who would be important
24 in his life. First, the leader of the class was Dr. Marvin Koven and one of the
25 students in the class was Lauren Flicker, daughter of Dr. Marvin Flicker. During
26 the year of the class Lauren and Plaintiff would get to know each other and near
27 the end of the year Lauren suggested to Plaintiff that Plaintiff take her father's, Dr.
28 Marvin Flicker, class the Introduction to Psychoanalysis. Although Plaintiff had

1 no thought of getting even his Master's degree in psychology and for sure not his
 2 Certificate in Psychoanalysis which CGI did have a program for, Plaintiff enrolled
 3 in several classes in September, 1994;

4 19. Then on the fateful night of December 18, 1994 at 8:15 pm after the
 5 class came back from break after having during the break informed Dr. Flicker
 6 that Plaintiff would be asking a question being the last day of the class. Plaintiff
 7 had found a sentence in the text we were using: "An Elementary Textbook of
 8 Psychoanalysis" by Charles Brenner, MD, on page 85, it sates, "Example of the
 9 consequence of such instinctualization are afforded childhood
 10 stuttering(inadequate neutralization ..)" Plaintiff asked if this is true. Dr. Flicker
 11 responded that, "we now know that is NOT true but we don't know what is true."
 12 Dr. Flicker continued, "you have lived the experience why not find out". After a
 13 little prodding from Dr. Flicker and some friends Plaintiff was now going to do
 14 his PhD dissertation in psychology to find out, if possible, what causes stuttering,
 15 if it is psychology/emotional and/or neurological or somewhere in between in its
 16 etiology.

17 20. Dr. Brenner, a Freudian, in his textbook does give Melanie Klein a
 18 reference in a footnote regarding that she views that the superego starts forming
 19 during the first year much earlier than the Freudian camp. This difference is why
 20 Dr. Grotstein, discussed elsewhere in this complaint, believed that Plaintiff could
 21 be psychoanalyzed by a BOR psychoanalyst but more in due course.

22 21. Plaintiff was taking a class at CGI entitled "Ego Psychology" talked by
 23 the late Dr. Leo Rangel. Dr. Rangel had impressive credentials but was strictly a
 24 classical Freudian psychoanalyst having been very good friends with Sigmund
 25 Freud's daughter Anna Freud. He had been the president of the APA and
 26 president of the IPA. He had written several hundred articles and several books
 27 on various aspects of psychoanalysis. During intermission of the class on one
 28 particular day Plaintiff asked him if knew any articles psychoanalytically based

1 written on stuttering. He had been the editor of the major journals of
2 psychoanalysis and a grasp of articles of the journals. Dr. Rangel was not aware
3 of any article on stuttering and Freud had only approached it indirectly.(Recently
4 Plaintiff received an article from a fellow colleague concerning Plaintiff's
5 research on stuttering. Plaintiff discovered a book written by the late Dr. Stanley
6 Cobb in 1945, who headed the neurology and psychiatry departments at Harvard
7 a long time ago, who had a favorable opinion concerning psychoanalysis and
8 stuttering , where he devotes an entire chapter on speech and language defects.)
9 Dr. Rangel advised Plaintiff to search every article on anxiety and there were a lot
10 of articles written especially by Dr. Rangel. One day in December 2005, after
11 getting a dissertation committee together, Plaintiff was reading an article at the
12 Louis Darling Biomedical Library at UCLA instead of Plaintiff just reading the
13 an article and close the journal, as well Plaintiff usual practice on this particular
14 occasion Plaintiffs eye drifted down the page and saw the calendar for the lecture
15 presentations at the New York Psychoanalytic Institute(NYPI) co-founded by
16 Freudian psychoanalyst Hanns Sachs in 1911. Plaintiff's eyes started to read the
17 different titles of lectures and the third title stated, "The Mother in the Etiology of
18 Stuttering." Plaintiff had read hundreds of articles and not one used the word
19 "stutter". Plaintiff was very surprised that on May 23, 1950, Dr. Isadore Glauber
20 had delivered a lecture(exh. 2) at the NYPI. Plaintiff immediately went to the pay
21 phones located outside of the library and called the NYPI and spoke to a woman
22 who found the folder in the basement that still had the lecture which had been
23 typed on onion skin paper. She informed Plaintiff that because Dr. Glauber had
24 died several years the folder was the property of the estate and unable to contact
25 anybody to get permission. Plaintiff thanked her and immediately contacted the
26 airline to book him on the red eye. Plaintiff landed in New York where it was
27 snowing. After a few hours sitting in a café across the street of the NYPI when he
28 spotted a woman walking up the stairs to the NYPI. Plaintiff ran across the street

1 and started to walk up the same stairs. The women who had talked the previous
2 day spotted Plaintiff as Plaintiff was walking up the cement stairs and welcomed
3 him into the NYPI. As she was explaining to Plaintiff that Plaintiff was not
4 allowed to even see the folder, she told Plaintiff to wait upstairs so that she could
5 check on the copier down stairs. A few seconds later she appeared and informed
6 Plaintiff that since he had come overnight, might as well let him see the folder and
7 the paper, but do not copy it. Plaintiff noticed that the copier was on and so
8 Plaintiff, feeling like a thief proceeded to copy the paper. The paper(exh. 2) is
9 relevant for the ADA and Elder Abuse causes of action for both Plaintiff and the
10 late Kate Baker. After which Plaintiff proceeded to walk up the stairs which were
11 shaped in a circular way, and tried to walk past her. She commented that it
12 seemed from my face that "You had seen G-d" and she was correct in how
13 Plaintiff felt. Plaintiff understood, having taken several psychoanalytic classes at
14 CGI and knowing the vocabulary, especially of Melanie Klein, that the cause of
15 stuttering was definitely emotional and was the result of family psychological
16 dynamics, including the mother, as the title of the essay suggests. There was no
17 neurological deficit. The lecture did not say exactly what caused stuttering but that
18 the mothers (and this was a study of 30 mothers) were definitely involved in the
19 child's stuttering.(Plaintiff's research definitely agrees with Dr. Glauber's findings
20 in many respects including the mother's involvement.) Reminding this court that
21 this was 1950. The analytic research by BOR school that included Klein, Bion,
22 Rosenfeld started to research and produce clinical essays regarding the connection
23 between thinking and verbal thought disorders started in 1945 and continuing to
24 the present day. Plaintiff knew he had to come home start to find an analyst that
25 specialized in issues for very early development. Plaintiff had been seeing Dr.
26 Marvin Koven, since he had a M.S. in speech pathology and was a Certified
27 Analyst and continued until Dr. Grotstein suggested Plaintiff try Dr. Jane Van
28 Buren in May 2000. Plaintiff choose to apply to the NPI on the advice of Dr.

1 Lawrence Hedges who was a teacher at both CGI and NPI. Dr. Hedges and a
2 few others strongly suggested to discontinue taking analytical courses from CGI
3 and seek analytical training elsewhere. In the next couple of years working on the
4 dissertation, Plaintiff attempted to have an external reader who had written a key
5 textbook on stuttering, but when Plaintiff sent his first draft to the external reader
6 Plaintiff was met with outrage and anger, it seemed that the external reader who
7 was professor and a speech pathology in the east coast was also a profound
8 stutterer and could not deal with the fact that the mother of the stutterer may have
9 been part of the underlying cause of the stuttering. The Chair of the Dissertation
10 Department Dr. Leo Weisbender compelled Plaintiff to go with another external
11 reader, Dr. Daniel Zwitman. Once the new external reader had read he strongly
12 advised Plaintiff that if Plaintiff took out everything about the mother he would
13 sign it; Plaintiff acquiesced and removed those parts.(Plaintiff is currently drafting
14 a book based on his dissertation obviously including the mother's involvement
15 and will be forthcoming). In December 2007, Plaintiff went through his oral
16 defense and was granted his PhD in Psychology. Although Plaintiff understood he
17 had to go earlier and deeper into the very primitive areas of infancy to deal with
18 his stuttering Plaintiff stayed with Dr. Koven until early January 2000. At that
19 time with the passing of Kate Baker, it was time to change analyst and training
20 institutes. Even at this time Plaintiff had little or no understanding that he had a
21 thinking process disorder(The Plaintiff is presently seeking Copyright permission
22 to use an essay written by Dr. Lia Pistiner de Cortinas, a Bionian psychoanalytic
23 expert, entitled "The Origin and Nature of Thinking" in her book, "On Mental
24 Growth".) Plaintiff will file an amended complaint to include the chapter and
25 other necessary modifications generally that require the filing of an amended
26 complaint. The chapter is an excellent interpretation of Bion's writing explaining
27 the nature of thinking reminding this Court is central to understanding Plaintiff's
28 disabilities. Bion's writing is known to be condensed and extremely complicated

1 to interpret as evident by reading his essay entitled, "A theory of Thinking" in
 2 Second Thoughts. Plaintiff is also seeking Copyright permission to use "A
 3 Theory of Thinking" and will include that essay in an amended complaint also.
 4 Thereafter, Plaintiff would discover and start on the process to transform and
 5 eliminate the albatross around his life.

6 22. On or about May 4, 2000, a few months after Kate Baker died Plaintiff
 7 contacted the late Dr. James S. Grotstein(Grotstein) for a consultation. At the
 8 consultation which took place in his office at his home we discussed getting into
 9 another training psychoanalysis. Plaintiff had been in a so-called psychoanalysis
 10 with Dr. Marvin Koven(Koven) for many years prior but several people, who
 11 Plaintiff respected, strongly suggested getting into another training
 12 psychoanalysis. Grotstein was an international renowned psychoanalyst. He had
 13 written hundreds of articles, many books especially on Dr. Wilfred R. Bion, whom
 14 Grotstein himself had been analyzed by. Dr. Grotstein had informed me a week
 15 before when Plaintiff had scheduled the consult and at the consult that Dr.
 16 Grotstein could not take Plaintiff on as a patient. In hindsight, Plaintiff training
 17 analysis was going to take a long time and Dr. Grotstein was approximately 73
 18 plus years old then. Further at the consult Plaintiff informed Dr. Grotstein about
 19 Plaintiff's previous attempts to gain admission into other traditional Freudian
 20 psychoanalytic institutes in the greater Los Angeles area had not gone so well.
 21 According to Dr. Grotstein the classical Freudian psychoanalysis was not suitable
 22 for Plaintiff but believed Plaintiff could be psychoanalyzed by the British Object
 23 Relations School(BOR) and especially the theories and techniques developed by
 24 Melanie Klein, Herbert Rosenfeld and Wilfred W. Bion. Plaintiff and Dr.
 25 Grotstein also discussed the legal situation with regards to how Plaintiff was going
 26 to pay for the training psychoanalysis. Plaintiff naively thought the legal situation
 27 would end within a year or so. Plaintiff was aware at the time and would learn in
 28 the future some of the famous actors, producers, writers and wealthy people Dr.

1 Grotstein had seen in his analytical practice. But more important Plaintiff
2 understands, now, why BOR facilitated success in his own psychoanalysis and his
3 own research and clinical experience by being able to go to the very early
4 primitive states of the infantile mind, which is where the issues that cause
5 stuttering, and autistic symptoms. After Dr. Grotstein and Plaintiff discussed who
6 Plaintiff had recently interviewed, Dr. Grotstein recommended Dr. Jane Van
7 Buren. Right after the consult Plaintiff contacted Dr. Van Buren and started a
8 lengthy training psychoanalysis until her death in May, 2010.

9 23. The only other stutterer that Plaintiff knows that had a psychoanalytic
10 treatment geared to Kleinian analysis by Dr. I. Glauber was the late Dr. Winslow
11 Hunt. Dr. Hunt had been certified by the NYPI and had an psychoanalysis by Dr.
12 Dr. Glauber. Many years ago, Plaintiff got the pleasure of meeting and getting to
13 know Dr. Hunt who took up residency in Pocatello, Idaho. Dr. Hunt tried when
14 he was much younger to transform the minds of the speech pathology community
15 to try the BOR School. Dr. Hunt had a lot of success with his analysis but the
16 stuttering community was hard pressed to try to be more flexible.

17 24. Dr. Lawrence Hedges who taught the Plaintiff a few courses at CGI,
18 suggested that Plaintiff apply to the Newport Psychoanalytic Institute(NPI) for
19 training which Dr. Hedges was a co-founder along with Dr. Williams O. Erwin.
20 Plaintiff applied and was accepted. Dr. Jane Van Buren, in May, 2000, also
21 suggested Plaintiff apply to NPI.

22 25. During Plaintiff's lengthy analysis the subject of the legal situation
23 would come up regularly in the year 2000 and until her death in May 2010.

24 26. On or around May, 2002 Plaintiff was attending a psychoanalytic
25 conference at the Los Angeles Psychoanalytic Institute(LAPSI) on Sawtelle Blvd
26 in West Los Angeles. Plaintiff started a conversation with one of the interviewers
27 that Plaintiff had back in 1996 from LAPSI. He asked Plaintiff what Plaintiff was
28 up to and Plaintiff informed him that Plaintiff was attending NPI. He asked

1 Plaintiff who his analyst was and Plaintiff informed him Dr. Jane Van Buren. The
2 doctor strongly suggested that Plaintiff apply again to LAPSI(which would
3 become several years later New Center for Psychoanalysis) and the application
4 would be meet with an entirely different mindset. Plaintiff discussed this with
5 both his analyst and Dr. Grotstein and both saw it as very favorable. During one
6 of the interviews with Dr. Melvin Lansky in 2002 Dr. Lansky informed Plaintiff
7 that he would be accepted as a candidate at LAPSI which is a member of the
8 American Psychoanalytic Association(APA)(similar to what the American Bar
9 Association is to law schools; an accrediting institution). Dr. Lansky knew from
10 my application that Dr. Van Buren was Plaintiff's psychoanalyst. Dr. Lansky
11 knew Dr. Van Buren having been on a panel with her and stated that the two of us
12 made a great analytical pair. The only problem that he could foresee was that
13 under the APA rules, a candidate must be in a training analysis with a training
14 analyst from the particular institute; here, being LAPSI. Dr. Lansky also discussed
15 with Plaintiff that it may be possible that Dr. Van Buren jump through some
16 hoops since she was a training and supervising analyst under IPA rules and
17 become a member of LAPSI for Plaintiff's case only. Dr. Lansky had done this
18 for one of his patients who was going to PCC. Plaintiff discussed this with Dr. van
19 Buren and in hindsight, the relationship between LAPSI and PCC owing to the
20 relationship between Melanie Klein and Anna Freud was at best, similar to the
21 cold war and can best be understand by reading the edited book of Pearl King
22 concerning the Controversial Discussions between 1941-1945.

23 27. In the process of applying to LAPSI, it came to Plaintiff's attention that
24 the President of LAPSI was a women to whom Plaintiff had dated. She informed
25 Plaintiff she was recusing herself due to a conflict of interest. After being
26 interviewed by three different doctors twice, plaintiff received a letter of
27 acceptance from LAPSI with one condition: Plaintiff had to change his analyst to
28 a member of LAPSI. The acceptance came with a list of possible analysts.

1 Plaintiff spoke to Dr. Grotstein who was familiar with the list of analysts who
2 informed Plaintiff that all were classical psychoanalysts. After discussing with
3 both Dr. Grotstein and Dr. Van Buren Plaintiff decided to keep going to NPI and
4 prepare to submit an application for candidacy to PCC. PCC was founded
5 primarily on the psychoanalytic principles of BOR. Plaintiff and Dr. Grotstein had
6 discussed applying to PCC during the consult May, 2000 but Dr. Grotstein
7 thought Plaintiff should wait a few years. Both Dr. Jan van Buren and Dr.
8 Grotstein believed now was the proper time to apply to PCC. PCC is an affiliate
9 member of the International Psychoanalytic Association(IPA). The IPA is the
10 international governing-accrediting body for all psychoanalytic institutes around
11 the world.

12 28. Plaintiff made an application to PCC and after going through the
13 interviews received a letter in the mail saying that Plaintiff had been rejected. To
14 say Plaintiff was stunned is an understatement. Of course, Plaintiff discussed the
15 situation with his analyst who was a PCC training and supervision analyst.
16 Plaintiff decided to stay at NPI where Plaintiff was in his 3rd year of training.
17 Plaintiff discussed with his analyst who would be good for the three supervision
18 cases he needed as part of the training requirement. Also, discussed was retaining
19 various supervisors that were specialists in BOR. Plaintiff did retain the
20 supervisors at great costs to him using the monies from the sale of Plaintiff's
21 home. Around 2005 Plaintiff got to thinking about the rejection at PCC. Dr. van
22 Buren suggested Plaintiff speak to one of Plaintiff's supervisors who was there at
23 the admissions committee meeting when Plaintiff application was being
24 considered. During Plaintiff's supervision with Dr. Shirley Gooch Plaintiff
25 brought up the issue of Plaintiff's rejection by PCC. Dr. Gooch asked Plaintiff if
26 he knew Dr. Elizabeth Trewick and another psychoanalyst. Plaintiff responded of
27 course, Plaintiff had gone on one date with her, she had been President of LAPSI
28 and she recused herself when Plaintiff application was before LAPSI's admission

1 committee. Dr. Gooch then explained that Dr. Trewick was the Chairperson on the
2 Admissions committee and she stated in no uncertain terms that Plaintiff had lied
3 about being accepted to LAPSI as she had been President (and a graduate) of
4 LAPSI at the time would have known. Also, another member of the admissions
5 committee sided with her and Dr. Gooch stated that the other member had a
6 questionable personality. Dr. Gooch then informed Plaintiff that Dr. Grotstein had
7 been present at the meeting and called them "primitive savages". Also, Dr. Gooch
8 explained that while Dr. Grotstein who had brought Dr. Bion over from England
9 in the late 1950's, the power base by the year 2000 had changed to another group
10 at PCC. Dr. Gooch explained to Plaintiff even if accepted at PCC they did not
11 have a child psychoanalytic program and would not have one for almost a decade.
12 Plaintiff was training at NPI to become a child psychoanalyst to help kids,
13 adolescents and adults with stuttering, autistic symptoms. Dr. Gooch was and is a
14 world recognized supervisor for autistic symptoms in the BOR tradition.

15 29. Plaintiff during his tenure at NPI from 2000-2008, Plaintiff gained his
16 training and clinical experience at the Valley Community Clinic(VCC) then in
17 North Hollywood, CA. under the auspices of director Dr Eliane Hary, also
18 affiliated with PCC. Although Plaintiff did see many patients/clients at the VCC
19 Plaintiff spent a lot of time being loaned out to Glenwood Elementary School
20 located in Sunland, CA. This position/internship was an unpaid internship like
21 most internships are. In hindsight, Plaintiff was relying on the lawyers as listed on
22 the complaint filed in federal lawsuit 2:16-cv-08434-GHW(FMo)(Exh. 6) to
23 whom he had paid hundreds of thousands of dollars and the forensic accountant
24 James Gill, CPA to whom he had paid roughly \$150,000.00 to protect both
25 Plaintiffs and the Estate of Kate Baker's due process rights and seek a resolution
26 to the legal situation. It can be asserted that Plaintiff with a legal background
27 should have known the AUS office was involved. Actually, part of the Plaintiff's
28 thinking process disorder was the inability to integrate and connects facts.

1 Plaintiff's realizes now that Plaintiff was merely considered collateral damage in
 2 the perspective and view of the AUSA office. Plaintiff had to sell his house in
 3 2002 to pay for the attorneys, CPA and other basic human needed expenses
 4 because of the unlawful and tortious conduct of the defendants in this case and the
 5 Defendants in case 2:16-cv-08434-GHW(FNo)(exh. 6). Plaintiff was also paying
 6 for his psychoanalysis with Dr. Jane Van Buren, tuition at NPI, supervisors as
 7 detailed elsewhere in this complaint and, of course, also expenses such as
 8 Plaintiff's house, and everyday essentials, like food.

9 30. Plaintiff's PsyD dissertation in psychoanalysis was on the
 10 transformation of an eight year old who had been diagnosed as autistic by the
 11 regional center of the L.A. United School District Regional Center. After several
 12 years of intense psychoanalysis the child had no autistic symptoms and had went
 13 from being in special education class to a magnet center at the middle school
 14 level.

15 31. On May 5, 2008 the Plaintiff at the annual graduation ceremony for NPI
 16 was introduced as a psychoanalyst by one of his mentors, the late Dr. William O.
 17 Erwin. Plaintiff's Certificate of Psychoanalysis and PsyD in psychoanalysis
 18 diplomas are signed by various doctors including the training committee chair, Dr.
 19 Warren Procci. Dr. Procci was the Secretary(at the time of the APA) and would
 20 be Vice President and President of the APA in due course. Eventually, Plaintiff
 21 would be informed by his NPI colleagues that Dr. Procci had attempted to have
 22 NPI accredited by the APA but because several of people on the Board who had
 23 graduated from NPI had neither been analyzed nor supervised by IPA or APA
 24 members would not step down from the Board. All of Plaintiffs supervision and
 25 training analyst were IPA and/or APA. Also, the fact that NPI curriculum included
 26 many courses centered on BOR did not go well with the APA.

27 32. Dr. Van Buren had an untimely death in May, 2010 from surgery due to
 28 a brain tumor. If Plaintiff had continued psychoanalysis with Dr. Van Buren for a

1 few more years and been able to further develop his thinking process Plaintiff
 2 would have been able to make connections with facts much sooner than later.
 3 Plaintiff reminds this court that the late British Psychoanalyst famous for writing
 4 several books on the theoretical and clinical ideas of primitive states of mind and
 5 autism Frances Tustin had a 15 analysis with Wilfred Bion in London prior to
 6 Bion coming to Los Angeles in the early 1960's. A 8-15 year psychoanalysis
 7 founded on BOR is not uncommon.

8 33. Plaintiff's analyst Dr/ Van Buren suggested in session that Plaintiff
 9 apply to PCC to become a member. (Dr. Van Buren during the last month of
 10 Plaintiff analysis allowed Plaintiff to owe her any fees generated from that time
 11 on; as Plaintiff was out of funds as having spent monies, again, on lawyers' fees,
 12 etc.). In the discussion Dr. Van Buren talked up the idea that PCC is a member of
 13 IPA, and that it would look more respectable then NPI which was not affiliated to
 14 either IPA or APA. Plaintiff made application to PCC and Dr. James Gooch,
 15 world renowned BOR psychoanalyst, husband to Dr. Shirley Gooch, and co-
 16 founder of PCC informed me that he wanted to talk to Plaintiff in person. As we
 17 meet in his office at his home, he informed Plaintiff and PCC would make
 18 Plaintiff a member if Plaintiff meet two conditions: 1) Attend infant observation
 19 for 9 months and 2) have one more adult case with supervision presumably with
 20 him. (Unfortunately, Plaintiff lacked the funds to have a supervision case since the
 21 retention of lawyers and forensic accounts had eating up Plaintiff's funds). At
 22 NPI, Plaintiff had two child cases with supervision, one with Dr. Katina
 23 Kostoulas(IPA-PCC-NPI) and another with Dr. Shirely Gooch(APA/IPA-PCC).
 24 Plaintiff adult case with supervision was with Dr. William O Erwin(APA/IPA-
 25 PCC-NPI). PCC had, in fact, accepted all seminars, supervisions, and
 26 psychoanalysis with Dr. Van Buren.

27 34. Plaintiff, on an intermittent basis between 2011-2013 was forced to
 28 borrow money from friends to pay attorney fees, as well as, living expenses and

1 offices expenses. Plaintiff points this money issue out to this Court as an
 2 illustration of how malicious the AUSA conduct affected Plaintiff who was
 3 suffering from disabilities covered by ADA and Elder Abuse act.
 4

5
 6
 7 **BYAM, HAHN, Mitchell Silberberg & Knupp(MSK) Involvement**

8 35. Plaintiff contacted attorney Maurice H/ Katz(Katz), who Plaintiff had
 9 known for a considerable time as his corporation law professor at USFV, College
 10 of law to deal with the Estate of Kate Baker attorney Allan B. Cutrow. Being that
 11 attorney Katz was a corporate lawyer, he advised Plaintiff to allow him to bring in
 12 his friend attorney I Richard Ruman(Ruman). After attorney Katz had contacted
 13 several people as explained elsewhere in this complaint, he had attorney Ruman
 14 open up a Probate. After Ruman researched an Irrevocable trust as a revocable
 15 trust and filled out the probate papers in ink, Plaintiff believed that Ruman was
 16 just incompetent and needed to retain new counsel, although in hindsight
 17 understands that he may have chosen to play ball with attorney Cutrow. One of
 18 the consequences of the interference by the AUSA with not allowing Plaintiff to
 19 have representation, since counsel would not have dismissed I Richard Ruman
 20 with prejudice in 2017 nor Robert Altman(Ret. Judge) dismissed with prejudice
 21 also in 2017 in federal case 2:16-cv-08434-GHW(FMo).

22 36. Plaintiff contacted Clark R. Byam of Hahn. Plaintiff asked Byam if he
 23 knew Allan Cutrow (Cutrow) who was a partner at MSK, and he stated he did.
 24 Plaintiff made an appointment to meet with Byam. Prior to the meeting, Plaintiff
 25 sent all of the legal documents he had obtained to Byam for review.

26 37. At the first meeting, Byam suggested that after his review of the
 27 documents Plaintiff had sent him he would render his advice. His advice was:
 28 first, he would get the documents necessary to see if Plaintiff had a case against

1 Ameriprise and, second, he wanted to set up a meeting with Cutrow and Plaintiff's
2 brothers Allen and Frank. A meeting was arranged. After many months went by,
3 Byam stated to Plaintiff that he had received the documents. By the time Byam
4 informed Plaintiff that he had received documents, Plaintiff had already decided to
5 have Davis represent Plaintiff in any lawsuits against Ameriprise entities and not
6 Byam of Hahn. In hindsight and with a keener awareness in thinking this probably
7 made attorney Byam extremely upset, that Byam decided to come over to the side
8 of MSK, Allen and Frank as the facts/evidence definitely demonstrate.

9 38. During the summer of 2001, William C. Garr of Hahn called Plaintiff to
10 suggest a meeting to discuss their representation of Plaintiffs against Ameriprise
11 entities. He told Plaintiff that he, Byam, and their expert had reviewed the
12 documents and believed Plaintiffs had a strong case against Ameriprise entities.
13 He explained on the telephone that they had never done a securities arbitration
14 case but that he could keep it in the U.S. District Court. Garr did say he would
15 send Plaintiff some promotional material. Plaintiff received the promotional
16 material within a few days. He also stated to Plaintiff that he would send Plaintiff
17 a few names of securities arbitration specialists since Plaintiff was hesitant about
18 Hahn representing him in a securities case in arbitration. Attorney Garr referred
19 Plaintiff to Philip Aidikoff.

20 39. By this time in late 2001, Plaintiff had meet with Davis and after Davis
21 had reviewed all documents and had Katie Baker(not related to the decedent Kate
22 Baker) also to review documents wanted to represent Plaintiff in bringing a
23 lawsuit against Ameriprise entities for recovery on Plaintiff's personal account
24 and the Estate monies; the Baker Family Trust & Baker Family Partnership. .

25 40. In December, 2001 Byam suggested that there be two depositions, one
26 of Plaintiff and one of Allen. Plaintiff suggested a deposition of Cohen but Byam
27 instead stated that could occur if a settlement could not be reached at the
28 mediation. The depositions would be confined to the Plaintiff's personal account

1 at Ameriprise entities and then there would be mediation for a possible global
2 settlement. At the mediation Byam strongly suggested that Plaintiff settle with
3 Allen and Frank and enter into a Settlement Agreement. The settlement was an
4 agreement between Allen, Frank, and Robert Baker as partners, executors and
5 trustee of the various family entities; part of the Settlement Agreement was to set
6 up the Robert Trust at CNB. After the settlement Plaintiff was to bring an action
7 for claims against AEFA and Cohen. The settlement agreement of 2002,
8 specifically excluded from release AEFA and Cohen. (The Court is referred to
9 elsewhere in this complaint as to the validity of the Settlement Agreement of 2002
10 in light of the November 18, 2013 probate ruling.)

11 41. At the May 30, 2012 Superior Court hearing in Case #BC394851, the
12 Judge Susan Bryant-Deason strongly implied that Hahn may have received and
13 reviewed documents pertaining to the Baker Family Trust and Baker Family
14 Partnership without disclosing or advising Plaintiff of such and serious
15 accounting issues which is a violation of Professional Conduct code. Part of the
16 Settlement agreement was to create a Robert Trust and to have CNB be the
17 trustee, in that in 2007, Plaintiff sought to terminate the Robert Trust at City
18 National Bank(CNB) and would eventually lead to legal malpractice lawsuit and
19 discovery of Byam's perjury. It also leads to a report that Plaintiff filed against
20 CNB for their unethical conduct and elder abuse while trustee. The report was
21 filed with the federal regulators who regulate national banks: Office of the
22 Controller of the Currency(COTC). As far as Plaintiff is aware the investigation
23 is ongoing. In fact, during Plaintiff's deposition by attorney David Long who was
24 representing Byam and Hahn & Hahn he asked Plaintiff a question concerning the
25 complaint Plaintiff had filed with the COTC. Mr. Long was very surprised that
26 there was still an investigation of CNB by the COTC was still apparently on
27 going.
28

1 42. Plaintiff did receive a few names from William Garr of Hahn & Hahn of
2 securities arbitration specialists in a few days along with the promotional material.
3 Plaintiff decided to call and interview Aidikoff, one of the names of an expert in
4 securities arbitration.

5 43. Plaintiff made an appointment and at the meeting gave Aidikoff a
6 history of the case which up to that point in 2001 was basically some information
7 about AEFA management of the money and a detailed family history. Aidikoff
8 recommended that his office requests documents from AEFA on the Plaintiff
9 personal account account. Plaintiff appreciates that Aidikoff may have already
10 had some documents from either Hahn and/or MSK that they received from
11 AEFA counsel as stated in the Ameriprise Subpoena Objection stated below.
12 Aidikoff stated he knew Cutrow from being involved with the Jewish Federation
13 of Los Angeles. Aidikoff's requested some documents from AEFA. The
14 documents for the Plaintiff's personal account came within a few months; more
15 importantly, Aidikoff and his associates could see that Plaintiff had some
16 communication problems and learning disabilities Aidikoff declined
17 representation saying the fact that Plaintiff would not be dependable witness in an
18 NASD arbitration. In September, 2011, Mahavier did contact and discuss the
19 legal situation again and supposedly Aidikoff agreed to be an expert according to
20 Mahavier. Jane Baker's prepared taking a tremendous amount of time a detailed
21 summary with 2 CD's composed of hundred of AEFA's documents which was
22 sent to Aidikoff. Plaintiff's asserts that AUSA was somehow involved eventually
23 to accomplish certain goals such that culminated for the publics consumption , at
24 least, in the Professional Rules of Conduct made effective November 1, 2018 but
25 continuing the Elder Abuse and violating the ADA for both the Estate of Kate
26 Baker and Plaintiff.

27 44. At the same time that Plaintiff was meeting with a family friend who
28 was also a CPA and a stock broker, Robert Fenton, referred Plaintiff to the woman

1 who had been his instructor to help him pass the stockbrokers tests, Katie
 2 Baker(not related to the late Kate Baker) . Plaintiff spoke to Katie Baker who
 3 would refer Plaintiff to Davis in due course.

4 **Davis Involvement**

5 45. When Aidikoff declined representation of Plaintiff, Plaintiff called
 6 Davis and set up a meeting. Davis gave all of the documents to Katie Baker who
 7 was a specialist in securities. After a detailed review of all documents which
 8 include Baker Family Trusts, Baker Partnership, Davis advised plaintiff he would
 9 file a lawsuit against Ameriprise and Cohen for damages of the RB Trust only.

10 46. Plaintiff did discuss with Davis Plaintiff was in psychoanalysis with Dr.
 11 van Buren since Davis's sister-in-law, Sunny, was also in psychoanalysis with Dr.
 12 Van Buren and a candidate at PCC. Eventually, Davis would get divorced and his
 13 ex-wife would be in psychoanalysis with Dr. Van Buren and a candidate at PCC.

14 47. Davis filed the initial Superior Court lawsuit case # LC060762 in
 15 2002(exh. 3). The Defendants in LC060762 filed a Motion to Compel to
 16 Arbitration and also a Motion to be relieved of liability due to the fact that they
 17 were only custodians of the money. The Reply to the Motion to discharge
 18 Ameriprise from liability included two Affidavits: one from Allen R. Baker(exh.
 19 1) and one from Defendant in that case Stanley R. Cohen(exh.4). The relevance of
 20 the affidavits were to destroy the Plaintiff's character which was accomplished in
 21 the court in LC060762, 2 Ca. Court of Appeals cases, the Ca. Supreme Court in
 22 and the US. Supreme Court all enjoyed the ruminations of both Allen and Cohen
 23 without any evidence to the contrary. Plaintiff's wonders what the AUSA office
 24 involvement with the various states higher courts and the US Supreme Court with
 25 regard to the appeals from LC060762 was? Now comes the facts showing both
 26 affidavits were complete falsehoods and without substance.

27 Stanley R. Cohen's Affidavit

1 48. Stanley R. Cohen states in his affidavit(exh. 4): (Point of information:
2 Cohen during the time Plaintiff dealt with him had a severe stutterer. Plaintiff
3 during the time Plaintiff dealt with Cohen also had a severe stutterer). Plaintiff
4 points out to this court the fact that the lecture(exh. 2 which also includes the
5 authors obituary showing he was an expert on speech disorders) by Dr. Glauber
6 will be relevant to understand Cohen's mother who is a witness of the purported
7 1999 Will of Kate Baker(Baker1999). Plaintiff still is unable to see the Will of
8 Kate (Baker1994) drafted by attorney Cutrow. Plaintiff, also, offers for the court
9 to help understand the emotional and mental dynamics that Cohen was
10 functioning under while handling the accounts is the lecture (exh. 2) given by Dr.
11 I. Peter Glauber at the New York Psychoanalytic Institute(NYPI) on May 3, 1950.
12 Kate Baker's emotional and mental dynamics can be better understood from the
13 lecture by Dr. Glauber for all times relevant. The NYPI is Freudian based.
14 Plaintiff was informed by Allen that Allen had been referred to Cohen through his
15 CPA Paul Berg. Cohen states that he served as Kate Baker financial advisor from
16 1991- to her death on January 28, 2000. The record is clear that the Baker Family
17 money was transferred from Bears Stearns in late 1995. The funds of the Robert
18 Baker Trust(RBT) were transferred by Plaintiff in early 1996 not by Kate Baker.
19 This could be testified by former account executive at Bear Stearns and now at
20 Oppenheimer Harold Yeoman. Plaintiff had complete control over the RBT from
21 1985-1999. In 1999 a check written by Plaintiff to purchase a car bounced the
22 first time because Cohen forget to transfer money and thereafter, to cover up his
23 incompetence he made up a story. Perhaps, Cohen and Allen were getting reading
24 to prepare to finalize the elements needed to complete the scheme they had been
25 planning for years and intentionally bounced the check? Plaintiff was not aware
26 of the actual Trust document until February 14, 2000 when Allen faxed him a
27 copy of the RBT document(exh. 5). The RBT drawn up by attorney Cutrow was
28 supposed to be a Totten trust but attorney Cutrow who was also the attorney for

1 Baker needed to protect Allen who was obviously going to outlive Kate Baker.
2 Plaintiff had complete authority to manage the account and to liquidate the
3 account as shown by the constant putting in and withdrawing monies to the
4 account while at Bears Stearns and at Ameriprise. Cohen states in the Affidavit
5 that Plaintiff provided Cohen with a copy of the Trust document. That is
6 impossible since Plaintiff was unaware of the trust document until February 14,
7 2000. Cohen did visit Kate Baker often during 1996 to Feb. 1999 and discussed
8 only the Baker Family accounts not Plaintiffs account according to what Kate
9 Baker informed Plaintiff of during that time. Cohen usually came on Monday
10 morning. Cohen would show Kate Baker account documents that seemingly
11 showed that they accounts were making a great deal of money; this, in insight,
12 would demonstrate that the account documents had to be fabricated since it is now
13 known through the documents furnished by the successor of American Express
14 Tax and Business Services, Inc. McGladreys CPA's that Cohen was
15 criminally/tortuously funneling millions of dollars to Allen R. Baker Family Trust
16 accounts. In contrast to statements made by Cohen in his affidavit, the documents
17 clearly show that except for the initial funding of the RBT which was 1/3 of the
18 funds(1/3 went to each son) of what was received for Kate and Ben Baker
19 portion for the sale of Apex Wholesale Produce, Inc. in 1985 to Fisher Partnership
20 Plaintiff deposited the rest of the funds into the RBT. Since Plaintiff was not
21 married as his other two brothers were Plaintiff was informed by Kate Baker that
22 she was funding an account at Bears Stearns so if Plaintiff should die or become
23 incapacitated then Kate Baker could have access to account funds. Plaintiff
24 transferred the monies received for the sale of the Woodland Hills townhouse
25 which was in his own name and deposited the funds into the RBT. Cohen states
26 that Plaintiff did not have authority to liquidate the RBT. After Kate Baker was
27 diagnosed with terminal pancreatic cancer, and the check bounce, Kate Baker, in
28 fact, requested Plaintiff to liquidate the RBT. When Plaintiff attempted to

1 liquidate the RBT was unable to do it. It wasn't until late February, 2018 when
2 Plaintiff was able to some degree comprehend and understand Kate Baker state of
3 mind when she was informed that she had pancreatic cancer was when Plaintiff
4 was informed that he had oral cancer. Plaintiff was almost immediately advice
5 Plaintiff cancer was fully treatable through 35 sessions of radiation and 7 weekly
6 Erbitux treatments whereas Kate Baker's diagnosis was a death sentence although
7 the treatment of radiation and Erbitux was vicious and challenging to say the least,
8 Plaintiff had a stage I oral cancer but was treated as if he had stage 4 for that is the
9 philosophy of the cancer community. Kate Baker's treatment was useless and
10 without any redeeming merit. Plaintiff's treatment proved successful. Plaintiff
11 asserts that Allen pleaded with Kate Baker to go through the useless treatment was
12 merely to make sure that the scheme hatched between Cohen and Allen could be
13 finalized.

14 49. The next subsection of the affidavit deals with Plaintiff trying to
15 liquidate the trust. Again, Plaintiff had full access to the RBT account since
16 contrary to Cohen assertions, and Plaintiff exercised full and unequivocal control
17 over the RBT funds from 1985-1999. At the beginning of 1999 Plaintiff purchased
18 a car to celebrate to finally celebrate his receiving his PhD in psychology. The
19 dissertation was entitled, as previously discussed elsewhere in this complaint:
20 Stuttering: the etiology of the phenomena from a psychoanalytic perspective.

21 50. The affidavit states that Cohen called Kate Baker several times in
22 January, 2000 and each call went unanswered. During January, Kate Baker
23 advised Plaintiff several times to call AEFA home office and try to liquidate the
24 RBT which Plaintiff did. Plaintiff was informed by American Express to talk to
25 Stanley Cohen. On February 14, 2000 in the process of trying to deal with the
26 passing of Kate Baker, Allen called Plaintiff and stated, "We fucked you and you
27 can't do a damn thing about it". Plaintiff asked "who is we?" Allen's response
28

1 was, "Stanley Cohen and I". Within minutes Allen faxed Plaintiff a copy of the
2 RBT which is Exh. 5 showing the date it was faxed.

3 51. Cohen right after Tad Callister, who supposedly drafted the
4 Baker1999, on the very day Kate Baker had been diagnosed with inoperable
5 pancreatic cancer had her sign the Baker1999. When attorney Maurice H. Katz
6 spoke to Callister he admitted to Katz that Callister had never spoken to Kate
7 Baker, meet in person nor knew who she was, Cohen had everything he needed
8 and therefore, ceased visiting Kate Baker. Kate Baker was almost comatose for
9 most of January, 2000. On December 20, 1999 Kate Baker discontinued
10 treatment, went home having decided for hospice care.

11 52. In Cohen affidavit the next section is "Allen Becoming Successor
12 trustee: The statements that Cohen makes are false in that Cohen knew that
13 Plaintiff deposited most funds into the RBT except for the original funding
14 coming from the sale of Apex Wholesale Produce, Inc//

15 53. Plaintiff attended the business meeting at Cohen's office in Woodland
16 Hills about a month after Kate Baker's death. This was after Plaintiff had been
17 faxed a copy of the RBT. At the meeting was Cohen, Frank, Allen, Plaintiff and
18 Jason Semelong, Cohen's assistant. Allen became extremely angry at Cohen and
19 Cohen told Allen "don't yell at me, I am getting another migraine headache." In
20 hindsight, Allen was just trying to cover up the millions of dollars he had stolen
21 from the Baker Family assets with the assistance of Cohen.

22 54. Plaintiff asserts that the rest of Stanley R. Cohen's affidavit is made up
23 of statements whose sum and substance are false.

24 55. Has the AUSA or the FBI taken a deposition of Stanley R. Cohen which
25 Plaintiff is entitled to receive a copy to view.

26
27 Allen R. Baker Affidavit
28

1 56. Plaintiff will now deal with Allen R. Baker's affidavit (Exh. 4): Allen
2 states in the background subsection that Plaintiff is a professional student. If being
3 a professional student is to have a negative connotation, in fact, Plaintiff never
4 took an extraneous course that Plaintiff could not be used for personal or
5 professional growth or in the earnest attempt to find the cause for stuttering which
6 Plaintiff felt was like an having an albatross around his life. Also, the so-called
7 cure for stuttering wasn't in the mindset of Plaintiff. First, Allen states that
8 Plaintiff went to law school but never passed any bar. Plaintiff did go to the
9 University of San Fernando Valley, College of law(USFV). Plaintiff
10 acknowledges he went through law school unknowingly with a thinking process
11 disorder. Plaintiff is glad Plaintiff did so in that Plaintiff can be familiar with the
12 legal process which has come in handy when Plaintiff was compelled to go In Pro
13 Se in 2012. The knowledge he has acquired has helped him through the present
14 time including drafting this Complaint. Also, Plaintiff did pass the Georgia State
15 Bar and Utah State Bar back in the 1980's but has since given up his licenses in
16 both states. Plaintiff's mind set after having passed the bar in Georgia and Utah
17 was to stay in Los Angeles and be assistant to attorney Esther Kascle. When
18 Plaintiff meet with FBI special agent Steven Goldman and was informed that the
19 state bar is corrupt, perhaps the corruption extends to the administration of the
20 state bar examination which Plaintiff' took many times: such as in the grading
21 process so if you graduated from an ABA accredited school you had a much
22 higher percentage of passing even though the USV college of law was on the same
23 par as many of the ABA accredited law schools. Shortly after Plaintiff passed his
24 first year of law school, attorney Aaron Shelden suggested to Ben Baker,
25 Plaintiff's father, that Shelden could get Plaintiff into Southwestern Law School
26 for a small sum of money. Attorney Shelden understood that Southwestern Law
27 School(SW) was an ABA and the USFV was not. It was also known that in the
28 first year of Plaintiff aw school in 1973, the USFV administration had attempted

1 to get accreditation from the ABA as a proprietary school, but it would be a few
 2 years away until such proprietary law schools would be able to get accreditation.
 3 The offer of getting Plaintiff into SW never panned out.

4 57. Plaintiff does have a MS(finance) and an MS(tax) from Golden Gate
 5 University(GGU)both of which had been very helpful when Plaintiff was working
 6 between 1975-1984, thereabouts, with attorney Kascle. The background of
 7 MS(Finance) and MS(tax) has, also, been very useful in working with Plaintiff's
 8 patients who Plaintiff sees as an Authorized California Gambling Education and
 9 Treatment Services Program(CalGETS) Provider (through CA Dept of Public
 10 Health), in partnership with research conducted through the UCLA Gambling
 11 Studies Program. Research results demonstrate Plaintiff's British Object
 12 Relations approach to be extremely successful with the problem and addicted
 13 gamblers, whereas other treatment modalities, such as traditional cognitive
 14 behavioral therapy, are not. Also, Plaintiff received a BA degree from Loyola
 15 Marymount University(LMU) in English in 1980. The courses taken were, of
 16 course, to help the Plaintiff read, writing and thinking so important for personal
 17 and professional growth. Also, Plaintiff is proud of his PhD in psychology and
 18 his PsyD in psychoanalysis. The dissertation for his PsyD in psychoanalysis was
 19 helping a 7 year old to go from special education with severe autistic symptoms to
 20 magnet school with no sign of autistic symptoms. This past sentence is not to
 21 glorify Plaintiff but to show this Court and the Defendants the potential when the
 22 right psychoanalytic treatment is provided: BOR

23 58. Allen R. Baker makes a statement #4 that everyone knew about the RBT
 24 document which is totally false. It is quite interesting that if Kate Baker had
 25 wanted to establish a RBT as it was drafted by attorney Cutrow, Kate Baker
 26 would have probably had the Baker Family Trusts and Partnership for Allen and
 27 Frank only, and put Plaintiffs inheritance into the RBT which she DID NOT.
 28 Plaintiff is entitled to see the Baker1994 and yet still has not been allowed to see

1 the Baker1994 let alone the entire Estate file. Plaintiff questions whether the
 2 AUSA or the FBI involvement has resulted in the denial of Plaintiff having access
 3 to the Estate files and account documents.

4 59. Plaintiff, contrary to what Allen asserts, had filed state and federal tax
 5 returns for all years relevant.

6 60. Plaintiff worked for public accountant Ben John Woods for about ten
 7 months after Plaintiff graduated from CSUN. Plaintiff then went to law school full
 8 time. After law school Plaintiff got a job with Esther Duffy Kascle who was both
 9 a lawyer and a CPA. Plaintiff worked for attorney Kascle for about 6-10 years
 10 primarily in the area of tax, but also did some paralegal work for her: sometimes
 11 part time and sometimes full time. Allen Bakers memory must be deficient about
 12 Plaintiff's working for Kascle in that he hired her for a very brief time to make
 13 sure that Kascle would have a conflict of interest in representing Plaintiff from the
 14 beginning so as not to be able to represent Plaintiff. In 2008, after Plaintiff
 15 became a Research Psychoanalyst Plaintiff started to further his research and
 16 clinical experience into stuttering and autistic systems. The funding of lawyers
 17 fees, etc caused a serious financial drain on Plaintiffs assets to which Plaintiff
 18 needed to terminate the Robert Trust at City National Bank(CNB). The AUSA
 19 office had come into the legal situation long before this time and wonders what
 20 the AUSA and the FBI involvement with the COTC and other governmental
 21 agencies were.

22 61. Several years went by and Plaintiff's psychoanalytic research and
 23 clinical experience picked up. Plaintiff's research and clinical practice has
 24 allowed Plaintiff to pay the court filings fees, the printing costs, the service of the
 25 various legal documents such as legal complaints including this complaint.

26 62. The rest of Allen R. Baker's affidavit is made up of statements whose
 27 sum and substance are false.

28 Compel to Arbitration

63. The Ameriprise and Cohen moved to compel to arbitration. In the initial lawsuit, Davis sued for only the RBT account informing Plaintiff that he would later add the Estate when he would file in the NASD. Davis may have been cooperating with the AUSA as earlier as filing of LC060762, if not, Davis's penalty should have been disbarment and Davis is now listed as "inactive" as of January 29, 2019. Is this because of his age or is the State Bar finally investigating him? When the court compelled the case to arbitration Davis specifically asked the court to stay the case until after the NASD ruling specifically to give Davis discovery since the NASD lacked discovery power which he knew was not true. Davis filed the initial complaint in the NASD but did not name the Estate as a party. In the amended complaint in the NASD, Davis did add Plaintiff as a beneficiary saying that was sufficient to collect damages for the Estate. Davis voluntarily dismissed the superior court case in January, 2003 without informing Plaintiff. By late 2003, Davis advised Plaintiff he needed to get out because he was ill. The agreement with Davis was for 20% on contingency and a \$10,000.00 non-refundable fee. Thus leads to the inference was Davis as early as 2001 cooperating, if that is the right word, with the FBI and/or the AUSA?

Bennett & Fairshter(B&F), Dykema & Richardson & Patel(R&P)

Involvement

64. Plaintiff was recommended to B&F by William Comanor(Comanor). Comanor was a long time good friend of Bennett of B&F. Comanor was also a very long time good friend of Donahue a partner at R&P. Phan was the general managing litigation partner at R&P during their representation of Plaintiff. Jody Borrelli was an associate in the law office of R&P at the time of their representation of Plaintiff. Robert Liskey was an associate at R&P at the time of their representation of Plaintiff. Comanor had learned a great deal about the case from his then wife, Joan Miller. Plaintiff meet Joan Miller as a colleague at a mental health clinic where both were doing internships. In late 2008, Plaintiff

1 would learn by way of the State Bar website that at the time of the Comanor
2 referral in 2004, B&F had embezzled millions of dollars from their clients through
3 forgeries and creating conflicts of interests in at least two other cases that B&F
4 were handling for other clients.. Had the Plaintiff known that or the State bar
5 were required that each lawyer inform their existing clients and/or future clients
6 that an ongoing investigation(s) was in progress on the individuals Calbar site
7 page, Plaintiff would never have retained them

8 65. In September 2004 Plaintiff meet with B&F for their initial meeting,
9 B&F took a complete legal and securities history. In September, 2004, Jane Baker
10 reviewed the original Superior Court file (LC060762)and discovered the voluntary
11 dismissal by Davis, When Bennett discovered the dismissal, he would say, “that’s
12 malpractice” a legal malpractice lawsuit against Davis was never filed.. After
13 reviewing the NASD file B&F started filing discovery motions to get documents
14 on the Estate. On May 30, 2012 in the Superior court case #BC 394851 the court
15 would inform Plaintiff that since the NASD lawsuit was only about Plaintiff’s
16 personal account, Plaintiff was not entitled to any documents that concerned the
17 Baker Family Trust(BFT) or Baker Family Partnership(BFP). Plaintiff was
18 charged approximately \$150,000.00 by B&F. During the summer of 2005, B&F
19 substituted in from Hahn upon behalf of Plaintiff as an executor in the Probate for
20 the Estate. Plaintiff now asserts that B&F who already under two investigations
21 within the State Bar also made a deal with the AUSA and/or FBI to squeeze funds
22 out of Plaintiff, which they did, knowing that they would eventually have to step
23 aside as they did and today, although Bennett is long since dead, Fairshter who
24 should have been disbarred is an “active member” of the bar?

25 66. Also during this time, Plaintiff retained the services of forensic
26 accountant Jim Gill on the advice of B&F and was charged approximately
27 \$150,000.00. Approximately 85% of the fees charged by Gill were the result of
28 forensic accounting services pertaining to the 1999 Will, Baker Family Trust

1 accounts and Baker Family Partnership accounts, which were not part of the
 2 NASD arbitration. Plaintiff's question whether Gill, who recommended Plaintiff
 3 going to the FBI back in 2007 was already working/cooperating with FBI or
 4 AUSA.

5 Glickman Involvement

6 67. On or about August 2006 Plaintiff was recommended Glickman as a
 7 possible legal malpractice attorney .Glickman was very well known in the legal
 8 community as a former president of the Consumer Attorneys Association of
 9 Southern California as his father before him. Plaintiff set up an appointment to
 10 meet with him. At the meeting Plaintiff explained to him that he needed both a
 11 legal malpractice attorney and also an appellate lawyer. Glickman referred
 12 Plaintiff to appellate attorney Delores Yarnall. Glickman in late 2006 advised and
 13 compelled Plaintiff to go In Pro Se in the Probate Case as it was no longer
 14 necessary to have an attorney representing on behalf of the Estate for two reasons.
 15 First, the legal malpractice lawsuit, if it became necessary, would be on behalf of
 16 the Estate and second, if we needed to get documents, the legal malpractice law
 17 suit would be the appropriate vehicle. It was on May 30, 2012 the superior court
 18 in Case #BC394851 Judge Susan Bryant-Deason informed Plaintiff that the legal
 19 malpractice action was solely about the personal account of Plaintiff at AEFA and
 20 therefore, all documents pertaining to the BFT and BFP were irrelevant, and third
 21 only members of the bar could bring lawsuits on behalf of the Estate. Plaintiff had
 22 been advised by letter and email from B&F and Dykema counsel in February
 23 2012, that only members of the bar could represent Estates. All three facts, first,
 24 that the legal malpractice lawsuit was solely about Plaintiff's personal account at
 25 AEFA, the issue of obtaining documents from AEFA/Ameriprise through the
 26 legal malpractice lawsuit , and third, Plaintiff could recover damages of behalf of
 27 the Estate were inconsistent to what Glickman had advised Plaintiff on when
 28 Plaintiff was compelled to go In Pro Se in 2006.

1 68. Plaintiff, on information and belief, alleges that Glickman entered into
 2 an agreement with Phan and R&P to deceive Plaintiff into believing that
 3 Glickman would be the legal malpractice attorney if the Appeal was lost, knowing
 4 all along the legal significance of the NASD ruling that he learned from Evans in
 5 September, 2006.

6 69. In August, 2006, Yarnall called Plaintiff up to inform Plaintiff that she
 7 had received a bizarre phone call from Ameriprise counsel Lowery insinuating
 8 that Plaintiff had no case, that Plaintiff was crazy and Yarnall would be sued for
 9 filing a frivolous appeal. When Yarnall did not return Plaintiff's call concerning
 10 one of the appeals, that Yarnall was cooperating with the AUSA and FBI,
 11 probably from the beginning. Glickman stated he would contact attorney Phan of
 12 R&P. Glickman would receive a binder of some materials from R&P and stated to
 13 Plaintiff that Glickman contacted a securities arbitration expert Jonathan Evans
 14 With the information that Plaintiff was informed by the honorable Susan Bryant-
 15 Deason, Plaintiff now alleges, on information and belief, that an agreement was
 16 made between Glickman and Phan in that Glickman would not sue R&P or the
 17 individual attorneys at the firm, keep quiet about the tolling of the Statute of
 18 Limitations of the NASD ruling. . Evans wanted \$5000.00 to draft an opinion
 19 letter concerning a possible legal malpractice case. When the remittitur from the
 20 Court of Appeals came down in February, 2008, Glickman demanded from
 21 Plaintiff \$5000.00 for the expert, otherwise Glickman would not file the legal
 22 malpractice lawsuit. One of the reasons for Plaintiff seeking attorney Byam to
 23 terminate the Robert Trust at CNB was to obtain the \$5000 for Glickman to file
 24 the legal malpractice lawsuit.

25 **Federal Bureau of Investigation Involvement**

26 70. In September 2007, Plaintiff had a discussion with Riverside lead Elder
 27 Abuse District Attorney Tristan Sware at the California District Attorneys annual
 28 Elder Abuse conference in Orange County regarding some legal documents

1 Plaintiff showed him. Sware responded saying that because of the national nature
2 of the documents take them to the federal authorities. Plaintiff did take the
3 documents to the West Los Angeles office of the FBI. Plaintiff dropped the
4 documents off and discussed it with the FBI agent on duty. A few days went by
5 and Plaintiff received a phone from special agent Steven GOLDMAN. After a
6 discussion on the phone, Special agent asked Jane Baker, my wife, and Plaintiff
7 for a meeting. At the meeting which lasted almost two hours. GOLDMAN
8 became very interested in Plaintiff's legal situation. In all likelihood GOLDMAN
9 already knew there was an investigation by the AUSA office already underway
10 and GOLDMAN and being the head of the white collar crime unit , was head of
11 the investigation; the question is why FBI special agent Goldman lied to Plaintiff;
12 now Plaintiff realizes GOLDMAN was just following orders, in all probability
13 from the AUSA. FBI Goldman said the FBI knew the State Bar was corrupt and
14 that Plaintiff's legal situation would help the FBI prove it. In hindsight, what
15 areas of the state bar are corrupt? The attorney investigation area, the bar
16 examination area; grading the papers, etc. During the tenure of the litigation,
17 Plaintiff had problems with the integrity of the judiciary, There is documented
18 proof that the AUSA office was somehow involved with Plaintiff's federal case in
19 2009(2:09-cv-3179-GHW(FM0x)). GOLDMAN stated that he would find out
20 were the attorney complaint that Plaintiff had filed against Bennett & Fairshter
21 was in the process. He also requested that Plaintiff send all old and new attorney
22 complaints and any and all documents pertaining to Plaintiff's legal situation to
23 him. He gave Plaintiff his FBI card with the fax number written in. A few days
24 later Plaintiff received a letter from the State Bar requesting that they wanted
25 Plaintiff to come in for an interview to discuss the complaint Plaintiff had filed
26 against attorneys B&F law firm. Plaintiff made the appointment to see
27 investigator Michael O. Chavez. When Plaintiff entered the little interview room,
28 Chavez informed Plaintiff that he had just talked to Bennett who had told Chavez

1 that Bennett had represented Plaintiff for only a few months. Plaintiff informed
 2 Chavez that was not the case. We discussed the case for over a period of two days
 3 and almost 4 hours. At the end of the entire interview, Chavez informed Plaintiff
 4 that if they found that any attorneys committed criminal activities it would then be
 5 referred to the District Attorneys office. Exactly one year to the day of filing the
 6 original complaint Plaintiff received the letter saying that Chavez had found no
 7 problem with B&F actions as GOLDMAN informed Plaintiff. As requested by
 8 Special Agent GOLDMAN, Plaintiff forwarded the letter to the FBI. Plaintiff has
 9 continued honoring the request until a few years ago and has forwarded all
 10 documents including all attorney complaints.

11 **State Bar Press Release**

12 71. On October 2, 2016 the State Bar of California issued a press release
 13 specifically addressing the need for reform of “core systematic problems”,
 14 especially dealing with attorney misconduct and the investigative process. Part of
 15 the relief sought in plaintiff “Prayer for Relief” is to order the FBI to send the
 16 attorneys complaints to the State Bar Investigative unit using these new
 17 investigative procedures against the defendant attorneys for their misconduct.
 18

19 72. Plaintiff, on information and belief, alleges that the STATEBAR of
 20 California entered into an agreement with Dykema, who represented American
 21 Express to look the other way and find Fairshter not guilty of criminal activity
 22 which was directly opposite the findings in a Federal court Sanction Order against
 23 Fairshter. This is part of the attorney complaint filed with the STATEBAR by
 24 plaintiff in 2007 and the formed letter received by plaintiff in 2008 and forwarded
 25 to FBI pursuant to their request.
 26

27 **Ameriprise contact with Plaintiff in 2008**

28 73. After the legal malpractice case against B&F and Dykema Gossett had
 been filed in Superior Court on July 28, 2008, on August 18, 2007, Plaintiff

1 received a phone call from AEFA/Ameriprise agent Timothy Swanson
2 (“Swanson”) who stated that, “as a trustee”, Plaintiff would want to know about
3 their findings. A letter followed a few days later, stating that in 2007,
4 AEFA/Ameriprise had performed an in house accounting for the taxable year of
5 2000, which showed that AEFA had overstated income to the IRS and the State of
6 California, and that Plaintiff was entitled to a payment from Ameriprise to
7 compensate for the personal income tax Plaintiff would have overpaid. The letter
8 also stated that a check was enclosed, but there was no check inside. Plaintiff met
9 with Jim Gill, who advised Plaintiff to advise Glickman to send out a subpoena
10 for the accounting. Glickman stated to Plaintiff that in time he would. Glickman
11 did not send a subpoena. Glickman had also advised Plaintiff as did all
12 subsequent attorneys Stern, Langer and Mahavier that in legal malpractice cases
13 there is no recovery for punitive damages in the underlying case.

14 74. Plaintiff sent a letter to Swanson asking for documentation for the in-
15 house accounting and telling Swanson that there was no check enclosed in
16 Swanson letter. Swanson wrote back refusing to provide any documentation, and
17 gave Plaintiff instructions on how to obtain money due Plaintiff. There was no
18 deadline set by Ameriprise for Plaintiff to claim his money. Plaintiff followed
19 SWANSON instructions to obtain Plaintiff’s money, but received no response.
20 Plaintiff left a voice message for Swanson, but he did not respond. Plaintiff then
21 called the phone number for service that Swanson had included in the instructions.
22 Plaintiff’s call was directed to an agent who told Plaintiff he was an associate of
23 Swanson’s. This agent could not find any reason for delay and instructed Plaintiff
24 to fax the request again to Swanson, to be sure it had been received. Several days
25 later, Plaintiff received a letter from Ameriprise counsel demanding that he “cease
26 and desist” any contact with Ameriprise, and telling Plaintiff that they had no
27 information for him. Plaintiff has never received the money Ameriprise stated
28

1 that they owed him. In all likelihood the 2007 accounting described above was
2 part of intrusion by AUSA.

3 75. In August of 2008, Plaintiff advised Glickman that the FBI had taken an
4 interest in the legal situation. In all likelihood, Glickman was already cooperating
5 with the AUSA office.

6 **Stern's Involvement**

7 76. Plaintiff was referred to attorney Stern to handle another legal
8 malpractice lawsuit against Hahn(BC408161). The deposition of Byam proved
9 fruitful. In material areas Byam made false statements concerning material issues.
10 First, Byam stated that his partner at Hahn, William Garr, after a review of the
11 documents did not want to represent Plaintiff in a lawsuit against AEFA. In fact
12 Plaintiff has documents from Garr from 2001 which states that indeed, Hahn did
13 want to represent Plaintiff. During the legal malpractice lawsuit the issues of CHO
14 an associate at Hahn and her involvement with her dealings with CNB became a
15 central issue especially whether Cho was determined by the court to be a
16 necessary party and the trial had to be delayed for her testimony at trial although
17 no deposition was ever considered by Stern to be necessary. Plaintiff learned on
18 May 30, 2012, that Hahn might have received documents from Ameriprise
19 pertaining to the BFT, BFP which Byam neither disclosed and/or gave copies to
20 Plaintiff during 2001-2004. Due to Stern's making false statements to the court in
21 his Motion to Withdraw as Plaintiff counsel a mere three weeks prior co trial and
22 that the court stated to Plaintiff that "you have to pay your lawyer" was the reason
23 she allowed him to withdraw. Plaintiff, after the false statements were made by
24 Byam, sought to get more documents which were never produced. In the
25 original consultation and a few subsequent meetings, Plaintiff gave Stern a very
26 detailed history of the entire legal situation. Within days, Stern advised Plaintiff
27 that he thought there were at least two very solid lawsuits. It is obvious at the
28 present time that Stern, was working with the AUSA office who was orchestrating

1 his every move, force Plaintiff to go In Pro Se, as was done elsewhere in case
2 BC394851, to get the court in BC408161 to dismiss the case with prejudice; the
3 case was eventually sealed by Hahn's lawyer, David Long to cover up
4 unprofessional conduct and fraudulent conduct by Hahn, LLP lawyers. With the
5 recent enactment of Professional Conduct Rules(Rules) made effect November 1,
6 2018, the state bar can now open up an investigation without a prior civil
7 judgment against the lawyer. Although this change in Rules is substantial does
8 the ends justify the means of achieving the Rule, Plaintiff asserts that destroying
9 Plaintiff's and the Estate of Kate Baker's due process rights while at the same
10 time protecting Ameriprise Financial, Inc., and its various agents as well as Allen
11 R. Baker, Frank A Baker due process rights, went way beyond reasonable
12 justification.

13 77. Plaintiff alleges that Stern entered into agreement with Glickman to
14 deceive Plaintiff into thinking that Stern was interested to combine the then non-
15 existing Ameriprise State Case with the legal malpractice case on
16 appeal(BC394851) and then claim for financial reasons he had to get out.

17 78. In 2009 Stern filed a Federal Lawsuit (2:09cv-09-3179(GHW(FMOx))
18 on behalf of Plaintiff primarily against Ameriprise Financial, Inc. and several law
19 firms. The lawsuit was founded of R.I.C.O. Initially when Plaintiff consulted with
20 Stern Plaintiff informed that Plaintiff had received the letter from Ameriprise
21 concerning the check for the refund from Ameriprise as a result of the tax audit in
22 December 2007 for the year of 2000. This fact was prominent in the filing of the
23 federal lawsuit. The parties knew that Plaintiff was dependent upon the monies he
24 got from his mother and from the 2002 Settlement Agreement and all of the trickle
25 down monies he got along the way. Stern would refer plaintiff to attorney Levin
26 who was paid a consultation fee for elder abuse expertise and consultation with
27 law firm Hahn.
28

1 79. Glickman needed the \$5000 by July 31, otherwise the tolling agreement
 2 that the defendants, Dykema and B&F had signed would end. Plaintiff was forced
 3 to settle with Allen and Frank regarding the Robert Trust that had been set up at
 4 CNB and give them a huge percentage that they would not entitled to. .

5 **Ameriprise counsel threatening forensic accountant Jim Gill**

6 80. On July 19, 2010 Defendant AEFA/Ameriprise Counsel Lowery when
 7 Ameriprise was a defendant in the Ameriprise State Case made a threatening
 8 phone call to the forensic Accountant Jim Gill. The Declaration was never filed
 9 with the court in case BC435030 by Stern. The question which the Plaintiff's
 10 poses now is, was this call precipitated by either the AUSA and/or the FBI.

11 **Stern's Involvement continues**

12 81. During Stern's representation of Plaintiff's lawsuits, we often would
 13 discuss the legal malpractice Bennett Case that was on Appeal. Plaintiff now
 14 believes, Stern wanted the case because the AUSA instructed him to. Although it
 15 was Glickman's Case and would be Glickman Case if Plaintiff won the Appeal,
 16 Stern made statements that he would like to combine the Ameriprise State Case
 17 with the Appeal case. Stern had the Ameriprise State case on a 20% contingency
 18 except for the non-refundable \$5000.00. After the filing of the Ameriprise State
 19 Case, Plaintiff paid Stern monies to effect proper service on the various parties for
 20 depositors. The service was for a deposition to take place for Cohen which never
 21 happened prior to the demurring out of the Ameriprise Case. This same happened
 22 in the Bennett legal malpractice case with regard to Cohen again in December,
 23 2011 when Mahavier attempted service of process for a Cohen deposition. In
 24 August, 2005, the NASD ordered an immediate deposition of Cohen, it never took
 25 place.

26 82. Stern sued Byam of Hahn LLP for legal malpractice in 2009
 27 (BC435030). During one of the 4 depositions that Plaintiff was taking, Plaintiff
 28 was asked(very quietly) by Stern if Plaintiff had updated the FBI as Plaintiff had

1 informed Stern in a prior meeting. Obviously Stern was already cooperating with
2 the AUSA since his office was involved with the federal lawsuit where AUSA is
3 listed.

4 83. In late 2010 Plaintiff would contact Evans for the opinion letter and
5 Evans would inform Plaintiff that Glickman sent him a fax in September 2006
6 with a copy of the NASD ruling and the fax stated to: Review and call him.
7 Plaintiff learned from Evans in 2010 that Evans did not draft an opinion letter and
8 never received the \$5000.00 from Glickman. Within days of Plaintiff learning
9 this fact, Plaintiff received a check for \$5000 from Glickman. The NASD ruling
10 was based on Code Section 10305, which had two parts: 1) The lawsuit had to be
11 refiled in superior or federal court 2) The statute of limitations was tolled since the
12 NASD complaint was filed. Plaintiff's NASD complaint was filed in 2002. This
13 new information would have significant impact of the issue of Statute of
14 Limitations.

15 84. During the later part of 2010, Stern stated for financial reasons he
16 needed to get out of all cases. Plaintiff learnt that attorneys(who are officers of
17 the court) need to get permission from the court to withdraw from a case... At
18 first he stated he needed to get out; then he demanded to get out and eventually
19 threatened Plaintiff and attempted to extort monies from Plaintiff. Because of the
20 threats, Plaintiff was forced to go In Pro Se on the Ameriprise State Case. During
21 the last months of 2010 Plaintiff started to look around for other lawyers to take
22 over the cases because Glickman had been the original attorney.

23 **Marh and Langer's Involvement**

24 85. Plaintiff had been referred to attorney Marh. After a couple of
25 meetings Plaintiff signed the retainer agreement which provided for a non-
26 refundable \$3500.00 and 20%-34% of any settlement or judgment amount. The
27 agreement included two cases: Case #BC394851 and Case #BC435030. Marh
28 then advised Plaintiff that attorney Langer would be the person doing the

1 discovery work. Langer had been the attorney who had referred Plaintiff to Marh
 2 Plaintiff meet with Langer and advised Plaintiff that he would immediately
 3 respond to the opposition discovery and then at the same time would begin
 4 serving discovery items on the opposition and AEFA/Ameriprise. First order of
 5 business was to draft the 4th amended complaint. While Langer was preparing the
 6 4th amended complaint, Plaintiff received an email, detailing the fact that Langer
 7 could not understand why attorney Fairshter had not be named as a defendant
 8 originally by Glickman and why the estate had not be named as a Plaintiff also by
 9 Glickman. Langer added both to the 4th amended complaint. Also, Langer
 10 removed the Elder abuse damage provision saying it didn't have to be in the
 11 complaint since the elder abuse was against the underlying case of Ameriprise.
 12 This substantially affected the demand for damages that Mahavier.

13 86. In 2011, Judge Susan Bryant-Deason ordered that a mediation should
 14 take place between the parties. The mediation did take place in Century City
 15 where at the mediation mediator Robert Altman(Ret. Judge) was the mediator.
 16 Defendants were presented by counsel. Plaintiff in this case and Plaintiff in that
 17 legal malpractice case was represented by Simon Langer. Also, mediator Altman
 18 seemingly got frustrated that Plaintiff would take a meniscal amount of damages
 19 and left the mediation but not before leaving his sport coat on the seat. Plaintiff
 20 happened been informed that immediately following the mediation David Marh
 21 and Simon Langer would request to the court to withdraw which they did and
 22 Plaintiff was forced to seek, in a most expeditionary way other legal counsel.. All
 23 parties including the mediator represented the worst of what the due process of
 24 law is about. This mediation is similar to the mediation that took place in 2001
 25 pursuant to the Probate court Order in that, the mediator Martha Goldin(Re.
 26 Judge) was part of the scam also before the AUSA became involved but whose
 27 acts demonstrate that they orchestrated to make sure of the continuation of the
 28 cover up. The AUSA knew of the loathsome conduct of Ameriprise Financial, Inc,

1 the bribery by various parties, including Allen R. Baker to achieve the ends of
2 formulating new rules for the State Bar to follow. In essence again, does the end
3 justify the means: Plaintiff would argue NO.

4 87. Soon thereafter, Langer informed Plaintiff by email that defendants
5 were moving to strike Fairshter as a named defendant. On May 30, 2012, Plaintiff
6 would learn that defendants had actually moved to strike out not only Fairshter but
7 also the estate from the complaint and were successful Marh knew that Plaintiff
8 was frightened to go In Pro Se since Plaintiff was not a member of the bar and
9 was unable to do competent discovery. Soon after Langer had produced the
10 documents which were the result of Jane Baker's efforts, Marh started to attempt
11 to extort monies from Plaintiff. Marh attempted extortion would scare Plaintiff
12 to find another lawyer which would be extremely difficult because of the
13 deception by various parties.

14 88. At the time of the attempted extortion Plaintiff started to interview
15 attorneys to take over the case. By this time, the Ameriprise State Case(BC
16 435030) had been demurred out, as the result of actions of Stern, Marh, Langer,
17 and Ameriprise.

18 19 **Steven Lewis Goldblatt's involvement**

20 89. In late May, 2011 in the process of interviewing attorneys, Plaintiff
21 discussed the case with securities arbitration/legal malpractice expert Steven
22 Lewis Goldblatt from St. Louis, Mo. Goldblatt informed Plaintiff of the
23 significance of the NASD ruling code § 10305. Goldblatt explained the § 10305
24 has two parts: 1) counsel must re-file in Superior Court or Federal Court, 2) The
25 Statute of Limitations is tolled as of when the case was first filed in the NASD, in
26 Plaintiffs case since 2002. Goldblatt at that the time wanted to be retained either
27 as counsel or as an expert.

28 **Philip Aidikoff's law firm experience**

1 90. In 2001, William Garr of Hahn who wanted the case for a U.S. District
2 filing although plaintiff was convinced by attorney William F. Davis that the case
3 was going to be compelled to arbitration to be filed in the NASD(now FINRA),
4 referred plaintiff to attorney Philip Aidikoff of Aidikoff & Uhl, LLP(Aidikoff).
5 Aidikoff was the founder of PIABA(Public Investors Arbitration Bar
6 Association). A on my behalf, sent a request for documents for the Robert Baker
7 Trust to AEFA. When there was no reply, he sent another request to AEFA.
8 Within a couple of months, Aidikoff's law offices received the documents. Had
9 Aidikoff sent in the request for both RBT and the Trust documents for the Baker
10 Family Trust and received such documents, then the documents would be given to
11 the accountant for damage calculation, the legal controversy would have ended.

12 91. Aidikoff knew Cutrow thought the Jewish Federation and did not
13 request documents for the Estate of Kate Baker. Aidikoff said he wanted the case
14 but he used the excuse that plaintiff was a little shaky and suggested plaintiff go
15 elsewhere for representation. That December 2001 Byam who was representing
16 Plaintiff in a probate matter in opposition to Allen and Frank, did in fact represent
17 plaintiff in a deposition. Byam years later would refer plaintiff to attorney Stanton
18 who was paid a fee for false advice.

19 92. When in 2010, plaintiff was compelled to seek representation when
20 attorney Stern demanded to withdraw from all cases in which he was
21 representing plaintiff, plaintiff got a referral to consult Sepassi & Tarighi, LLP
22 in Encino, CA. Plaintiff meet with them and they insisted on contacting
23 Aidikoff which plaintiff agreed to. Within a few weeks, plaintiff received a
24 letter from the law firm and, in so many words, they did not have the time for
25 the case regardless of its value. Plaintiff then was referred to attorney Joseph
26 Tuckmayer who wanted to bring in attorney Mark Adams of Stockton, Ca from
27 in as co-counsel but first they wanted plaintiff to get a damage calculation from
28 James Gill, CPA. Plaintiff would hear from Tuchmayer that, despite the level

1 of damages the fact that the FBI had opened by an investigation made them
2 very nervous. Plaintiff would learn on February 27, 2017 that the AUSA was
3 involved in an earlier federal case as discussed elsewhere in this complaint.

4 93. In 2011 plaintiff secured the representation of two attorneys from San
5 Diego: Mahavier and Harris. They stated they needed a securities expert for
6 expert testimony. Although plaintiff did explain the history with Aidikoff,
7 Mahavier and Harris saw no problem. After a consult between Aidikoff,
8 Mahavier and Harris, Mahavier stated that Aidikoff wanted plaintiff to put
9 together all the relevant documents and send them to Harris who would
10 forward them to Aidikoff. Jane Baker, Plaintiff's wife, spent countless hours
11 putting the documents together with an extensive cover sheet purpose of which
12 was to put everything in context. The documents were delivered to Harris to be
13 forwarded to Aidikoff. After Mahavier had promised to file a Motion for
14 Reconsideration but never did, Plaintiff was forced to go In Pro Se even after
15 paying Harris and Mahavier each \$7500.

16 **Superior Court Judge Orders Mediation in 2011**

17 94. The honorable Superior Court Judge Susan Bryant-Deason ordered
18 mediation in early 2011 to occur prior to a hearing in June, 2011. As of the May
19 30, 2012 hearing when Plaintiff learned that the legal malpractice lawsuit was
20 solely about the Plaintiff Trust account. it was abundantly clear how contrived ,
21 deceitful, and abusive the mediation was.. It reminded Plaintiff of his first
22 mediation back in 2001 which was also based in fraud now that Plaintiff knows
23 that his own counsel Byam had deceived Plaintiff in material ways in order to
24 obtain the 2002 Settlement Agreement since Plaintiff had chosen Davis to
25 represent Plaintiff in any further action against AEFA/Ameriprise. . In the
26 deposition Plaintiff took back in 2001 which was an abusiveness deposition and
27 should not have taken place had Byam not deceived Plaintiff and allowed Karl de
28 Costa (MSK)who deposed Plaintiff to go into the personal history of Plaintiff

1 which was irrelevant but only allowed to try to have Plaintiff collapse and give up,
 2 which at the mediation Plaintiff did collapse and give up..

3 95. Robert Altman(Ret. Judge) was the mediator in 2011. Mediator boasted
 4 of beings friends and colleagues of the CA. Court of Appeals Judges. Instead of
 5 being about the facts of the case, it was about the personal history of Plaintiff and
 6 why the FBI took an interest in the legal situation. Plaintiff did not collapse like
 7 Plaintiff did in 2001 and did not accept the \$80,000 Plaintiff was being harassed
 8 to take as an offer. That mediation was about only the RBT as informed to
 9 Plaintiff by the honorable Susan Bryant –Deason, whereas, this Complaint and the
 10 legal case in 2:16-cv-08434-GHW(FMo) is about all the Baker Family Trust,
 11 Baker Partnership and the RBT. The mediation lasted a very short time, and the
 12 mediator was embarrassed to have been called when parties were not ready to
 13 settle, and he left in such a hurry that he had to return for his coat. It is eight years
 14 later and such behavior by Plaintiff's counsel Marh and Langer, the mediator
 15 Altman and possibly the AUSA/FBI should not be tolerated by this Court.

16 96. Plaintiff was under extreme pressure to find a new law firm to
 17 substitute in by the hearing set for late June, 2011 where Marh 0would withdraw.
 18 Plaintiff's lawyers, Marh. and Langer. as well as all previous attorneys including
 19 all defense counsel were aware that Plaintiff was frightened to go In Pro Se.

20 97. Plaintiff, on information and belief, alleges that Langer and Marh
 21 entered into an agreement with Glickman, Dykema and B&F counsel to deceive
 22 Plaintiff into thinking that the Estate was part of the legal malpractice lawsuit, and
 23 that the Dykema and B&F were entitled to document production concerning the
 24 Baker Family accounts, that the legal malpractice case was for damages of both
 25 the personal account of Plaintiff and the family accounts.

26 **Mahavier and Harris involvement**

27 98. Plaintiff starting interviewing counsel any where in California. Second,
 28 Plaintiff needed to find local counsel if Goldblatt was coming in on the case.

1 Plaintiff found attorney Harris located in San Diego, CA. After a few emails
2 where Plaintiff produced all the documents requested by Harris, Plaintiff drove
3 down and meet with Harris. At the meeting Harris informed Plaintiff that
4 because of the size of the case, he needed co-counsel and recommended Mahavier.

5 99. Plaintiff thereafter went to San Diego again and met with Mahavier and
6 Harris. Plaintiff made it very clear that what Plaintiff needed was discovery to be
7 done. Mahavier could not understand why discovery had not been done. The
8 condition that they made on the case was that they needed a continuance of the
9 trial in order to do discovery until a few months into 2012. By June 22, 2011
10 Plaintiff and Mahavier and Harris had entered into two separate retainer
11 agreements with the condition of a continuance of the trial. When the continuance
12 was granted, the retainer agreement became active which called for each Mahavier
13 and Harris to receive non-refundable check for \$7500 each and 10% each for any
14 recovery via a settlement or judgment. Plaintiff sent one check for \$7500 to
15 Mahavier and one check for \$7,500 to Harris in the US mail.

16 100. At the withdrawal hearing, both Langer and Marh were granted their
17 withdrawals and the court graciously granted Plaintiff a continuance. Then in
18 October 2011, at the Motion for Sanctions hearing where Mahavier drove up to
19 Los Angeles to be present, the opposition were granted sanctions against Plaintiff
20 personally for \$3500 and the court stated on record that the verification form of
21 Plaintiff's signature had not been filed along with the summary of accounts,
22 without which the over 160 pages of accounting detail made little sense. This
23 accounting, which Mahavier knew was being done by Jane Baker, under the
24 supervision of Jim Gill who was on vacation or on other pressing engagements.
25 Jane Baker worked around the clock for 2 months to draft and finalize the
26 accounting.

27 101. In October, 2011 Mahavier wanted a securities arbitration specialist
28 to consult with. He mentioned in an email about the Midwest guy so Plaintiff

1 emailed to see if Goldblatt was still available and received an email back Plaintiff
2 thereupon emailed Aidikoff as a perspective expert. Soon thereafter Mahavier and
3 Harris supposedly consulted Aidikoff who requested ASAP a decaded summary
4 with documents. Both of these lawyers are experts in their respective fields.
5 Also, Mahavier deceived Plaintiff into thinking that the Estate was still part of the
6 lawsuit and therefore a significant part of the summary that Aidikoff received was
7 irrelevant. Jane Baker would have had only to work on the summary of the
8 Plaintiff's account for two days instead of 2 weeks

9 102. Plaintiff, on information and belief, alleges that Mahavier and Harris
10 entered into agreement with Ameriprise to deceive Plaintiff into believing that
11 their was going to be a deposition of Cohen and second, that Plaintiff, in the legal
12 malpractice case(BC394851) was entitled to documents pertaining to the Baker
13 Family Accounts.

14 103. On December 23, 2011 Plaintiff meet with Mahavier and Harris in
15 Mahavier's office in San Diego for a status conference. Mahavier informed
16 Plaintiff that he would file an objection to the Motion for Judgment on the
17 Pleadings. We spent 3 hours discussing some possible new parties and new
18 causes of action for an 5th amended complaint he would file attached to the
19 Objection to Motion for Judgment on the Pleadings. Plaintiff, in hindsight,
20 remembers another significant issue that came up at this meeting; Plaintiff asked if
21 Mahavier was going to file a Motion for Reconsideration Sect. 1008(b). Mahavier
22 answered that it was interesting that Plaintiff knew about that CCP code section.
23 In retrospect that was the moment that informed Plaintiff that Mahavier was
24 probably being "controlled" by the AUSA. Mahavier asked Jane and Plaintiff to
25 think about it and send us certain documents that we discussed in the 3 hour
26 meeting.. At the meeting, Mahavier and Harris promised to serve Stanley R.
27 Cohen, stockbroker a subpoena for a deposition. The subpoena for deposition
28 went out December 27, 2011. Another promise was to serve a subpoena for the

1 production of documents on Ameriprise. Harris did serve the Subpoena on
2 Ameriprise. Over the weekend, we worked around the clock to send Mahavier
3 and Harris documents and summaries on Monday December 26, 2011.

4 104. On January 12, 2012, Plaintiff attended the Judgment on the Pleadings
5 hearing. Plaintiff would learn during the hearing that not only did Mahavier never
6 file an Objection as promised, and an amended complaint, he did not show up
7 either by phone or in person. Plaintiff immediately, sent an email asking what
8 happened. Mahavier never replied. In hindsight and knowing that the AUSA
9 office can be very intimidating, Mahavier representation of Plaintiff had been
10 interfered with. Plaintiff sometime after that hearing contacted Mahavier and
11 Harris to file to have a mediation with the State Bar regarding Plaintiff to get back
12 the monies paid to Mahavier and Harris(\$7500 each) since their representation
13 from the beginning had be bogus. Mahavier and Harris are still an "active"
14 members of the bar.

15 **Plaintiff is forced to go In Pro Se**

16 105. On January 17, 2012, Harris sent Plaintiff by email a copy of
17 Ameriprise Subpoena Objection which was dated one day after the January 12,
18 2012 hearing for the Judgment on the Pleadings which had been granted. Plaintiff
19 decided to go In Pro Se to file a Motion for Reconsideration which had to be filed
20 by January 30, 2012. Plaintiff who had never filed a Motion for Reconsideration
21 along with Jane, worked, again, around the clock to meet the January 30, 2012
22 deadline. Plaintiff used this new information, at least Plaintiff thought it was
23 new, as the basis for CCP 1108(a). It was filed on time.

24 106. Thereafter, Plaintiff sought to do discovery in both the legal malpractice
25 case and using the still active probate case. When Plaintiff send out subpoenas on
26 the legal malpractice case, the defendants DYKEMA and B&F(2:16-cv-08434-
27 GHW(FMo) counsel opposed stating in emails and a letter that the legal
28 malpractice case was technically dismissed and therefore, no discovery was

1 permissible. Since Plaintiff is not a member of the bar and did not know, Jane
2 Baker had to work again to withdraw all subpoenas served. According to
3 California law only members of the bar can sue on behalf of an Estate which is
4 deemed a separate entity, such as a corporation, partnerships, and trusts.

5 107. In March 2012, Plaintiff, acting in his capacity as an executor
6 subpoenaed the Estate file of his late mother from MSK who were the firm the
7 represented the Estate of Kate Baker. The response was an Objection stating
8 among others objections was that Plaintiff did not have standing. This was
9 curious to say the least, since the Letters of Testamentary that gave Plaintiff his
10 executorship, was drafted and filed by no other than Cutrow as senior partner at
11 MSK.

12 108. Plaintiff sought to do further discovery using the letters of testamentary
13 and was able to track down the company who had purchased AETBS After
14 many phone calls, Plaintiff located where the records were and sent a request
15 accompanied by a copy of the letters of testamentary. AETBS also did the
16 accounting for the RBT in 2001 under Dematoff and sent a bill for around
17 \$30,000; everyone agreed it was an outrageous fee. The company, McGladrey
18 CPA's produced an entire box of tax returns dating back to 1995-2005 with back
19 up. Although McGladrey CPA's produced an entire box of tax returns. These
20 same documents were seen by attorney Clark R. Byam of Hahn during the year of
21 2001 but as stated elsewhere in this complaint, took some sort of bribe from Allen
22 R. Baker and looked the other way. Plaintiff recalls in 2001 in discussing the
23 legal situation with Byam, Byam informed Plaintiff that Allen R. Baker had
24 informed Byam he had no money so Byam counseled Plaintiff to settle with his
25 two brothers in the Probate Court which resulted in the Settlement Agreement of
26 2002, instead of naming Allen R. Baker and Frank A. Baker as defendants in a
27 civil lawsuit. Plaintiff received from Allen an Assignment of Claims and
28 Indemnity Agreement(Agreement) March, 2013), five pages in length, which had

1 been drawn up by Cutrow. After careful consideration and meetings with both
2 Allen and Frank Plaintiff did NOT sign the Agreement. The Release was basically
3 excusing Allen and Frank of liability for \$5million dollars each for their tortious
4 conduct to the Baker Family accounts and so-called entitling Plaintiff to view the
5 Estate file at MSK and the account files at Ameriprise. Plaintiff was by virtue of
6 being an executor was already entitled to view the Estate file and the account files.
7 Plaintiff did fax a copy of the Agreement in an Update to the FBI right after
8 Plaintiff refused to sign the Agreement. AUSA conduct of interfering with
9 Plaintiff's conduct foreclosed Plaintiff's ability to have legal counsel review the
10 Agreement.

11 109. During the forensic accounting in 2005 Gill found several unknown
12 withdrawals with only account numbers but no other identifications. A cursory
13 review established that one of the withdrawals which was accomplished by
14 forgeries had been wired to Allen Baker's Family Trust. Also during March 2012,
15 plaintiff sent probate subpoenas to MSK for documents regarding the Estate file of
16 Estate Baker only to receive same documents plaintiff had received in the past.
17 The documents were the same as before but now received from MSK's general
18 counsel Leonard. Jane Baker attempted to serve a probate subpoena on MSK and
19 was confronted by Leonard who greatly intimidated Jane Baker by words and
20 actions.

21 110. The review of the documents also produced by McGladrey CPA's
22 contained a copy of 2005 tax return which showed that an account from Bear
23 Stearns still existed until 2005. The fact was that all monies from Bear Stearns
24 were supposed to be transferred from Bears Stearns to AEFA in early 1996, but
25 this suggests that was apparently not the case. Plaintiff contacted Mark Gordon, a
26 broker for the former Bear Stearns, now part of JP Morgan, Inc., and asked
27 Plaintiff to fax and he would check into it. The fax was sent in April 2012 and on
28 July 16, 2012 Plaintiff followed up with Mark Gordon to find out he did nothing

1 when he received the fax. Gordon contacted Plaintiff and said he was still doing
2 research in 2012.

3 111. During March 2012 Plaintiff served several probate subpoenas on
4 various people and entities for production of documents and for depositions. Allen
5 and Frank in their capacities as executors filed various objections with the court
6 and with the then opposition defendants and Ameriprise counsel, Elizabeth
7 Lowery.

8 112. At the hearing of March 22, 2012, the court denied Plaintiff's motion
9 for Reconsideration. During the short hearing, defendants again claimed that the
10 NASD ruled that Plaintiff had no standing and the court stated it did not want to
11 relitigate the matter.

12 113. Hearing the deceitful arguments made by the defendants' Dykema and
13 B&F, Baker filed a renewal of the motion for Reconsideration as allowed by CCP
14 § 1008(b) in the accordance with the provision.

15 **New Evidence pertaining to the Baker Family Accounts**

16 114. With the new evidence pertaining to Allen acts between approximately
17 1996 with the assistance of lawyers, Ameriprise entities, Plaintiff used the CCP
18 1008(B) to obtain a reversal of the previous motion. This time, Plaintiff was
19 indeed stunned to find that that Langer who had added the Estate to the 4th
20 amended complaint and informed Plaintiff that only Fairshter had been stricken
21 deceitfully left out that the Estate had also been stricken. Furthermore, when
22 Mahavier and Harris sought discovery for documents and deposition, is was to
23 deceive Plaintiff. Baker also wanted to have the court put back on calendar the
24 Motion to Overrule Objections and Compel the Production of documents that had
25 been filed by Baker. Plaintiff and Jane Baker worked around the clock to put
26 together the motion after having never done this type of motion before.

1 115. Plaintiff's wife Jane prepared a very detailed summary of the acts of
2 B&F, Dykema, and R&P for the Renewal of the Motion for Reconsideration heard
3 on May 30, 2012.

4 116. In May, 2012, the hearing for the Motion for Reconsideration was held
5 in the court room of Judge Susan Bryant-Deason which lasted almost 2 hours. The
6 basis of the hearing was for the court to recite the history of the legal situation and
7 to supposedly help Plaintiff to get an understanding of the direction the court and
8 therefore the AUSA wanted the legal direction to proceed. Attorney Joel Boxer
9 was subpoenaed to appear instead of their usual counsel. Attorney Boxer brought
10 with him a clerk who was presented to the court. According to the Ameriprise
11 subpoena objection they had produced documents to the "plaintiff in a prior
12 probate proceeding". Judge Susan Bryant-Deason strongly implied that it was
13 possible that the documents were produced as far back as 2001. As Plaintiff's
14 thinking has improved(per the late Bion theory of thinking) of having the capacity
15 of putting the facts together, from the initial Probate hearings in 2001, to the
16 filing of LC060762 was to do away with the due process rights of Plaintiff and the
17 Estate of Kate Baker and give time to the AUSA to clean up the corruption in the
18 State Bar, NASD, judiciary.

19 117. . Plaintiff can see that attorneys Mahavier and Harris were working
20 together with Ameriprise counsel again under the orchestration of AUSA office to
21 provide Judge Susan Bryant-Deason the opportunity to direct the Plaintiff in a
22 certain direction, the Probate court. Plaintiff realizes, now, that in order to hide
23 any of the documents that are at the law firm at MSK that pertain to the Estate
24 for the Late Kate Baker the AUSA needed to make sure that all claims were
25 individual and not trust claims which needed a lawyer under State Bar rules to
26 represent the trust claims.

27 **Probate Order of November 18, 2013: Individual accounts/claims**
28

1 118. Plaintiff in his capacity as an executor filed a petition in a probate court
2 case against a probate court case to get monies that had been unlawfully
3 distributed to Allen and Frank based on an internal audit by Ameriprise entities in
4 December, 2007. The probate court issued an order on November 18, 2013 that
5 the Probate court did NOT HAVE JURISDICTION over the accounts at
6 Ameriprise entities but were individual accounts and, therefore, not trust accounts.

7 119. In January, 2015 plaintiff filed a Motion in LC 060762 based on the
8 recommendation/suggestion/advice given by the honorable Judge Susan Bryant-
9 Deason years earlier(May, 2012) in the legal malpractice case BC 394851 during
10 a lengthy hearing that lasted almost two hours where plaintiff was In Pro Se.(The
11 transcript of the hearing is part of the appendix in Ca. Court of Appeal Case
12 B265262). On April 29, 2015 the court issued an order. The court never issued
13 the proper ruling that could be appealed. Following the same legal procedure that
14 attorney Delores A. Yarnall did in 2007, plaintiff first went to the trial judge to
15 obtain the signature of the court to no avail. Then, as attorney Yarnall had done in
16 2007, went to the Ca. Court of Appeal to force the trial judge to sign the judgment
17 which Judge Wolfe eventually did.

18 120. On June 29, 2015, plaintiff attempted to file a difficult drafted Request
19 with the California Court of Appeal, Second District, where the Court would order
20 the lower court to comply with the Civil Procedure rule allowing a case to be
21 appealed following in Yarnall footsteps of 2007. The assistant clerk gave
22 plaintiff's Request to LUPU the supervisor clerk who while reading my Request
23 called someone on the phone, which named FBI special agent GOLDMAN'S
24 several times, and had a lengthy conversation with person or person(s). Thereafter,
25 Lupo came to the counter, talked with Plaintiff and gave Plaintiff a copy of the
26 Petition to Appeal. Lupo then informed Plaintiff to check the box entitled, "Order
27 after Judgment". Lupo then stated that plaintiff would have to get the service of
28 process signed and file it that day to meet the deadline. Plaintiff did file the

1 Petition to Appeal that day at the Clerk's window at the Van Nuys Superior
2 Courthouse to be timely filed.

3 121. Thereafter, Plaintiff filed his opening appellate brief with a lengthy
4 appendix for case B265262. The two ironies are that in the underlying case no
5 depositions, interrogatories or subpoenas for production of documents have ever
6 resulted in their production. The second irony is that plaintiff has had to file In Pro
7 Se since January, 2012 every legal document, including the present federal
8 complaint to protect plaintiff's, and indirectly, Kate Baker's civil rights.

9 122. The Court of Appeal for the Second District on its own Motion created a
10 case: B262293. That case was deemed to be filed late. The Court consolidated
11 both cases under B265262.

12 123. The Court issued an order dismissing the case in its entirety. Plaintiff
13 then appealed to the California Supreme Court which denied the Petition for
14 Certiorari.

15 124. Plaintiff then filed a Petition for Certiorari to the U.S. Supreme Court
16 which was denied on June 3, 2016.

17 125. Plaintiff sent defendants except the honorable presiding justice Bowen
18 and associate justice Hoffstadt on June 19, 2016 a letter discussing possible future
19 legal action. The FBI was also sent a curtesy copy of the letter.

20 126. Plaintiff in the earnest effort to save this court's time and energy sent a
21 Demand Letter on September 18, 2016 to all defendants except presiding
22 justice Boren, associate justice Hoffstadt and the FBI: although the FBI did
23 receive a copy from plaintiff as plaintiff has updated FBI per FBI initial
24 requests. Plaintiff received on September 24, 2016 a response from senior
25 counsel of CNB, Diane Wemple Baxa. Plaintiff sent Baxa copies of both The
26 Baker Family Trust and a Letter of Testamentary.

27 127. On November 18, 2016 Plaintiff filed federal lawsuit 2:16-cv-8434-
28 GHW(FMo). . All the parties were properly served. During the course of drafting

1 the federal lawsuit 2:16-cv-8434-GHW(FMo) Plaintiff sought advice from the Pro
2 Se Clinic which is funded and put on by the Los Angeles County Bar Association
3 in the federal building which is supposed to be neutral . This was the second time
4 Plaintiff had sought counsel from the Pro Se Clinic, again Plaintiff was advice that
5 their policy was not to provide help if any of the named parties were attorneys.
6 Since a brief review of the front page of the lawsuit any person could see that a
7 number of attorneys are named.

8 128. Shortly after service of process to all parties of federal lawsuit 2:16-cv-
9 8434-(GHW)(FMo) Plaintiff received a letter from one named Defendant: CNB.
10 chief counsel, Diane Wemple Baxa sent Plaintiff a letter, in essence, that if
11 Plaintiff made a few corrections to the Complaint CNB would say they received
12 the complaint. Pursuant to the FRCP section that allows one amendment without
13 seeking permission from the court, Plaintiff did, in fact, make the corrections and
14 served every party at great time, expense and energy. Even after a redrafting of
15 the Complaint CNB never honored their agreement to Plaintiff.

16 129. During the month of February 2017, Plaintiff wanted to retain counsel.
17 What was taking place in the federal lawsuit 2:16-cv-08434-GHW(FMo) was well
18 beyond Plaintiff's experience as stated elsewhere taking depositions, etc. Plaintiff
19 had realized that informing his attorneys of the FBI opening up the investigation,
20 at least Plaintiff thought the FBI had opened up the investigation in October 15,
21 2007, was not helpful. Then Plaintiff decided that when an attorney wants to take
22 over a case he would review the dockets of all cases filed and any discovery had.
23 So Plaintiff started to review the dockets of the cases, Plaintiff looked up federal
24 lawsuit 2:09-cv- 08434-GHW(FMo) on February 27, 2017 and started to scroll
25 down the docket in a manner similar to that discussed earlier in this complaint of
26 how Plaintiff found a lecture by Isadore Glauber and suddenly was shocked to see
27 that the Defendant law firm of Dykema Gossett, LLP was being represented by
28 Boxer and Benjamin Lichtman from the AUSA.

1 130. On May 14, 2017, even though the Court in 2:16-cv-08434-GHW(FMo)
2 had closed the case on July 3, 2017 still held a hearing where it issued an Order
3 dismissing the case and abused its discretion by adding Ameriprise entities which
4 had definitely filed their Motions untimely: Plaintiff has appealed that Order
5 which is Appeal #17-56506. At the hearing the current Plaintiff who was the
6 Plaintiff in that case was quite stressed out being that the Court room is not let us
7 say his comfort area. The transcript would show that instead of speaking to the
8 Court regarding the issue that the court had no jurisdiction the Plaintiff rambled
9 on concerning his learning disabilities. Plaintiff was at that time rather intimidated
10 in the courtroom. More importantly, the running of the statute of limitations had
11 been tolled by the fact that when a criminal investigation was opened up probably
12 much earlier than when Plaintiff meet with the FBI on October 15, 2007 and
13 continues to be tolled. Also should the evidence emerge that the AUSA came in
14 much earlier as in 2001 or the NASD Order was issued in compliance with the
15 AUSA then has continues to be tolled.

16 131. Plaintiff had already filed appeal #17-55989 and the district court had
17 closed the case on July 3, 2017 when the hearing on was held. Appeal #17-55989
18 issues were centered around the Statute of Limitations within the first amended
19 complaint(FAC) in 2:16-cv-08434-GHW(FMo). Under FRCP, the defendants in
20 the FAC must file a Response within a certain number of days after being served
21 with the complaint and other legal papers. The docket in 2:16 -cv-08434-
22 GHW(FMo) shows that Ameriprise entities did not file timely response filing on
23 March 20, 2017.

24 132. Plaintiff then filed what became appeal #17-56301 is based primarily on
25 that the lower court ordered that Plaintiff must request from the lower district
26 court a certificate to file a lawsuit against Ameriprise entities. In their lower court
27 filings Ameriprise asserted that Plaintiff has filed numerous lawsuits against
28 Ameriprise since 2002 and has lost each time. Although Ameriprise filings were

1 untimely in the lower court, Plaintiff in Appeal 17-56301 clearly points out that
 2 each time a lawsuit against Ameriprise was filed there was interference first by
 3 Ameriprise and then with a colluded effort by Ameriprise and AUSA to
 4 specifically interfere with the due process rights of the Plaintiff. One such
 5 example is federal lawsuit 2:09-cv-3179-GHW(FMo) where attorney Stern
 6 specifically left out the Estate of Kate Baker which was the proper party to be
 7 Plaintiff. Stern, possibly under pressure from the AUSA office was compelled to
 8 only name Plaintiff as an individual owing to the fact that the AUSA office was
 9 connected directly to the lawsuit as stated in the docket.

10 133. Plaintiff then attempted to file both the Request for Reporters transcript
 11 and Service of Process. The clerk of the court refused to file the service of process
 12 document even though it was required by the 9th Circuit Court of Appeals. The
 13 clerk filed the Notice of Deficiency and the Court ordered the service of process
 14 should be rejected and notify the Defendants Ameriprise counsel in case 2:16-cv-
 15 08434-GHW(FMo) with precise instructions which Plaintiff followed. This
 16 became the 3rd appeal #56506.

17 134. Plaintiff in due course drafted and filed the opening and reply briefs for
 18 all three appeals: 17-55989; 17-56301; 17-56506. On July 3, 2018, the clerk of
 19 the 9th Circuit issued an Order, that among other items, that briefing was complete.

20 135. On or about January 30, 2019 Plaintiff received from a fellow colleague
 21 who knew of Plaintiff's research on stuttering an article published November,
 22 2018 to further explain the comments of Dr. James Grotstein stated above, and
 23 help explain why the standard of psychoanalytic treatment is not BOR.
 24
 25
 26

27 New Professional Conduct Rules of State
 28 Bar Effective November 1, 2018

1
2 136. Plaintiff discovered during the summer of 2018 that the State Bar
3 officials were drafting new professional conduct rules for members of the bar.
4 The state bar cite stated that the rules would become effective November 1, 2018.
5 One particular Rule is: Rule 8.4.1 that allows the state bar to investigate a lawyer
6 without a prior civil finding. Now Plaintiff will request in the Prayer for Relief
7 that this Court orders the FBI to turn over all of the attorney complaints sent to
8 FBI to the state bar investigate attorneys named in 2:16-cv-08434-
9 GHW(FMo)(exh.6)to be investigated.

10 Conclusion

11 137. Plaintiff's parents the late Kate and the late Ben Baker were married on
12 March 3, 1940. After serving in World War II Ben Baker joined with two
13 brothers, Harvey Lowey and Bert Lowey, to start Apex Wholesale Produce, Inc.
14 around 1950. Kate and Ben Baker would then spend the next 40 years working
15 very hard and paying taxes. Ben Baker would usually arise around 2am to get to
16 his produce company in downtown Los Angeles. Kate Baker would spend
17 countless hours raising three children. By the time Ben Baker died in 1993 they
18 had amassed a sizable amount of money. In 1995 Kate Baker then being 76 years
19 old transferred the hard earned money into Ameriprise for safe keeping and
20 earning potential only to be financially abused in a way that is almost like a Greek
21 tragedy. At the beginning of 1996, plaintiff also transferred a great deal of money
22 into Ameriprise for safe keeping and earning potential, and likewise as his mother,
23 was financially abused. The Baker Family accounts were held by the Probate
24 Court on November 18, 2013 to be individual accounts and not Probate/Estate
25 claims which is the basis of this Complaint and 2:16-cv-08434-GHW(FMo).
26 Plaintiff has been the focus of violations of the very core of human decency by the
27 very governmental entities entrusted to protect us. And finally to quote the British
28

1 Statesmen and Prime Minister William Gladstone- “Justice that is too long
2 delayed is Justice denied.”

3
4 **V. Claims for Relief:**

5 First Claim for Relief

6 (Against defendants)

7 (Unreasonable Restraint of Trade)

8 (Sherman Act, 25 US C § 1)

9 138. Plaintiffs refer to paragraphs 14-137, above and by such reference
10 incorporate same herein as if set forth in full.

11 139. All defendants have unreasonably restrained competition by and
12 through the control of their agents to insist that their agents, by the use of
13 incentives and other pressure techniques to sell there in-house products which
14 have consistently underperformed to their clients, the Plaintiffs in the instant case.

15 140. The Defendants have unreasonably restrained competition by and
16 through the complete control and monopoly of access to the state court systems
17 and which can be had only through the use of its members. In addition, only its
18 members have access to private companies which are mandatory to engage in the
19 discovery process. Also, to engage attorneys for “appearances”, the companies
20 that provide such services are limited solely to members of the bar.

21 141. The original purpose of the Bar was to provide for the safety and
22 welfare of its residents of access to the court systems to maintain the dignity and a
23 certain level of expertise which is necessary to practice law.

24 142. Because of the unreasonable restraint of competition, Plaintiff was
25 forced to spend hundreds of thousands of dollars only to be deceived from each
26 attorney or law firm retained as detailed in the factual allegations.

1 143. These actions of Defendant's constitute unreasonable restraint of trade
2 and commerce and therefore violate § 1 of the Sherman Antitrust Act. 15 U.S.C.
3 § 1.)
4

5 Second Claim for Relief:

6 (Against Defendants except State Bar and Wilson)

7 (The Investment Advisers Act of 1940)

8 (15 USC §§ 80(b) 1-1 through b-21)

9 144. Plaintiffs refer to paragraphs 14-137 above and by such reference
10 incorporate same herein as if set forth in full.

11 145. Defendants, and each of them, actions as described in paragraph
12 above, that were deceptive, manipulative and misleading co-conspirators with
13 respect to the securities that were sold to Plaintiffs were in violations of 15 USC
14 §§ 80b-1 through 6-21.
15

16 Third Claim for Relief

17 (Against Defendants except State Bar and Wilson)

18 ((The Securities Investor Protection Act of 1970)

19 (15 USC §§ 78aaa through 78111))

20 146. Plaintiffs refer to paragraphs 14-137, above and by such reference
21 incorporate same herein as if set forth in full.

22 147. Defendants., and each of them, actions as described in paragraph above,
23 that were deceptive, manipulative and misleading co-conspirators with respect to
24 the securities that were sold to Plaintiffs were in violations of 15 USC §§ 78aaa
25 through 78111.
26

27 Fourth Claim for Relief:

28 (Against all defendants)

R.I.C.O.

((18 U.S.C. § 1961 et seq.))

148. Plaintiffs refer to paragraphs 14-137, above and by such reference incorporate same herein as if set forth in full.

149. At all material times herein, all Defendants where associated with enterprises engaged in activities which affected interstate commerce. Those enterprises consisted of all defendants. These enterprises had on going organizations with a framework for making decisions, functioned as continuing units and had ascertainable structures and systems of authority guiding their operations, separate and apart from the pattern of racketeering in which each enterprise engaged herein outlined.

150. The Defendants and each of the other aforesaid persons or entities who were part of the aforesaid enterprises conspired to conduct and participate in the conduct of the affairs of the aforesaid enterprises, and they conducted and participated , directly and indirectly in the conduct and affairs of the said enterprises though a pattern of racketeering activity.

151. Defendants entered into an agreement with Dykema who represented American Express not to investigate Fairshter competently to make sure Fairshter would be found not guilty of criminal acts that a federal court found Fairshter found him guilty of.

152. Defendants entered into an agreement with Phan and R&P who had previously consulted and advised Ameriprise Financial, Inc. counsel both Dykema and Eagerton & Weaver and therefore, was part of the concerted enterprise to cause Plaintiffs serious financial loss.

153. Defendant's entered into agreement with Glickman who previously had entered into agreement with Luan Phan and R&P who had Ameriprise Financial, Inc., American Express, counsel Dykema and Eagerton & Weaver, was part of the concerted enterprise to cause Plaintiff serious financial loss.

1 154. Defendant's entered into agreement with Glickman & Stern who
2 previously had entered into agreement with Ameriprise Financial, Inc., and their
3 counsel Dykema , Eagerton & Weaver, was part of the concerted enterprise to
4 cause Plaintiffs serious financial loss.

5 155. Defendant's entered into agreement with Langer and Glickman who
6 had previously had entered into agreement with Phan and R&P who had
7 previously consulted and advised AEFA, American Express, counsel both
8 Dykema and Eagerton & Weaver and therefore, was part of the concerted
9 enterprise to cause Plaintiffs serious financial loss.

10 156. The pattern of racketeering activity consisted of repeated acts of mail
11 and wire fraud, threatening of witnesses, which constitute an essential part of or
12 were incidental to an essential element of the aforesaid schemes and artifices to
13 defraud Plaintiffs, for which unlawful acts and conduct of attempted extortion and
14 extortion, payoffs and bribery were directly in the administration and
15 enforcement of the racketeering activity and predicate acts in furtherance of the
16 aforesaid enterprise, in which all of the Defendants participated.

17 157. Defendant's knew or should have known that the statements made to
18 Plaintiff's regarding control of Plaintiff's accounts were false and/or misleading
19 and said defendants, and each of them, concealed such information from
20 Plaintiffs.

21 158. Defendants knew or should have known that the failure on their parts to
22 disclose the inter-relationships of the law firms and/or the conflicts of interests
23 were false and/or misleading and said defendants, and each of them, concealed
24 such information from Plaintiffs with intent to deceive and mislead Plaintiffs.

25 159. .The pattern of racketeering activity directly and proximately damaged
26 Plaintiffs, who suffered financial loss as a result of the fraudulent activities of the
27 Defendants, and each of them
28

1 160. Such pattern of racketeering activity constituted mail fraud violations of
 2 18 U.S.C. § 1341, wire fraud violations 18 USC § 1343., conspiracy to obstruct
 3 justice 18 USC § 1962(d), financial institution fraud 18 USC § 1344 tampering
 4 with a witness 18 USC § 1512, obstruction of justice 18 USC § 1503, interference
 5 with commerce, robbery or extortion 18 USC § 1952. and involved dissemination
 6 through the mail and by telephone and facsimile, of false and fraudulent pretenses,
 7 representations and promises, in order to obtain money from Plaintiffs for trade
 8 and/or transaction fees and legal fees incident to the essential parts of the
 9 aforesaid schemes and artifices to defraud.

10 161. The Defendant's were co-conspirators of sending false representations
 11 and promises and the dissemination through the mail and by telephone included,
 12 but were not limited to: (a) the use of the mail to disseminate information
 13 promoting financial investment and investment products being offered by
 14 Ameriprise Financial Inc. ; (B) the use of the telephone and facsimile to
 15 disseminate information promoting financial investment products being offered
 16 by Ameriprise Financial, Inc. ; (c) the use of the mail, telephone and facsimile to
 17 obtain Plaintiffs authorization to make certain investments trades and agree to
 18 various fee arrangements; (d) the use of the mail, telephone and facsimile to
 19 arrange and carry out the administration of the investment trades and various fee
 20 arrangements made on behalf of Plaintiffs; (e) the use of mail, telephone and
 21 facsimile to obtain Plaintiffs signature on various documents that consented to
 22 and/or acknowledged the investments trades and agreed to various fee
 23 arrangements with various Defendants were co-conspirators by ; (f) the use of the
 24 mail, telephone and facsimile to issue notices, demand, billings and collection
 25 information for information for investments with Ameriprise; (g) the use of the
 26 mail, telephone, and facsimile by Ameriprise , to deprive Plaintiff of monies
 27 rightfully due to him pursuant to 2002 Settlement Agreement;(h) ;the use of the
 28 mail, telephone and facsimile by Defendant's as co-conspirators of the Defendants

1 in 2:16-cv-8434-GHW(FMo) to thwart Plaintiffs from having a full hearing on
 2 the merits of his case against, Ameriprise, and Cohen before the L.A. Superior
 3 Court case #060762, the NASD(now FINRA); (i) the use of the mail, telephone ,
 4 and facsimile by Ameriprise ,, to deprive Plaintiff of entering into a fair and
 5 reasonable 2002 Settlement Agreement. (j) the use of the mail, telephone and
 6 facsimile Ameriprise to conceal documents relevant to Plaintiffs claims to the
 7 NASD proceeding and conspiring with Defendants in 2:16-cv-08434-
 8 GHW(FMo)(exh 6) to destroy said documents; (k) the use of the mail, telephone,
 9 and facsimile by Defendants in 2:16-cv-08434-GHW(FMo)(exh. 6) to delay
 10 Plaintiffs' claims against Ameriprise, Cohen., being heard by any competent
 11 court or forum prior to American Express Financial Advisors Inc. spinning off
 12 Ameriprise as a separate subsidiary ; and (l) the use of the mail, telephone, and
 13 facsimile to issue notices, demands, billings and collection information for legal
 14 billings and dissemination of false information from B&F, Dykema and R&P
 15 firm. The specific acts of the various Defendants which are incident to the
 16 essential parts of the aforesaid schemes and artifices are set forth in Paragraphs
 17 above.

18 162. The predicate acts, set forth above, by Defendants, and each of them,
 19 against Plaintiffs occurred after the enactment of the Racketeer Influence Corrupt
 20 Organization Act, 18 USC §1961, et seq,

21 163. Each of the acts of Defendants, and each of them, as described herein
 22 was conducted for the purposes of furthering the Defendants' scheme to promote
 23 and to continue the false and fraudulent pretenses, statements and promises, and
 24 to thereby defraud Plaintiffs and to gain and profit at Plaintiffs' expense by
 25 interfering with Plaintiffs' right to obtain a full hearing on the merits of his
 26 allegations against Ameriprise, and Cohen.

27 164. Each of these said acts of the Defendants, and each of them, regarding
 28 the Plaintiffs had similar purpose, involved the same or similarly situated acts

1 thus constituted a pattern of racketeering activity with the meaning of the
2 Racketeer Influence Corrupt Organizations(R.I.C.O.) Act, 18 USC §1961 et seq.

3 165. As a direct and proximate cause of the activities of Defendants, and each
4 of them, which were violative of the Racketeer Influence Corrupt Organizations
5 Act. Plaintiffs suffered substantial loss and damages of there properties. The loss
6 entitles Plaintiffs to recover treble damages against Defendants, and each of them,
7 and costs of suit, and the attorneys fees paid out as stated in 2:16-cv-08434-
8 GHW(FMo) pursuant to 18 USC § 1961

9
10 Fifth Claim for Relief

11 (Against all Defendants)

12 Due Process

13 (5th amendment & 14th Amendment)

14 166. Plaintiffs refer to paragraphs 14-137, above and by such reference
15 incorporate same herein as set forth in full.

16 167. Plaintiffs were denied due process by the Defendants, and each of them,
17 as guaranteed in the Americans with Disabilities Act(ADA) as factually asserted
18 in paragraphs above.

19 168. Plaintiffs were denied due process and equal protection of the laws when
20 Defendants co-conspired with Defendants in 2:16-cv-08434-GHW(FMo)(exh. 6)
21 compelled Plaintiff to go In Pro Se in the Probate Case knowing that Plaintiff
22 would not be able to represent the Estate nor do discovery as to be in violation of
23 the law. Although eventually, Plaintiff would be able to do some discovery which
24 lead to the receipt of account documents incriminating Allen.

25 169. Plaintiffs due process rights were violated when Defendant's caused
26 Defendants in 2:16-cv-08434-GHW(FMo)(exh. 6)to not re-file Plaintiffs claim
27 against AEFA and Cohen in either State Superior Court or Federal Court pursuant
28 to NASD Code § 10305.

1 170. Plaintiffs were denied due process by the Defendants, and each of them,
2 in the original 2002 Settlement Agreement as a Probate Court Order for reasons
3 detailed in paragraphs above.

4 171. Plaintiffs were denied due process by the Defendants, and each of them,
5 as guaranteed in the equal protection clause of the 14th amendment of the US.
6 Constitution.

7 172. Plaintiffs were denied due process by the Defendants, and each of them,
8 when Plaintiff did not have a full trial in the Superior Court in 2002 as detailed in
9 paragraphs above.

10 173. Plaintiffs were denied due process by the Defendants, and each of them,
11 when Plaintiffs did not get a hearing on the merits of the case in the NASD as
12 detailed in paragraphs above.

13 174. Plaintiffs were denied due process by the Defendants, and each of them,
14 in the Superior court hearings in 2006 as detailed in paragraphs above.

15 175. Plaintiffs were denied due process by the Defendants, and each of them,
16 when the appeal was filed in 2007 after the Superior Court case number LC
17 060762.

18 176. Plaintiffs were denied due process by the Defendants, and each of them,
19 in the Federal Court case #CV-09-3179-GHW. The federal district judge knew of
20 the Defendants intrusion into the case and, basically went along with it to violate
21 the due process rights and the vicissitudes of the due process rights which
22 continue until the present time.

23 177. Plaintiff was denied due process by the Defendants, and each of them,
24 when Plaintiff was denied access to the use of members of the bar, paralegals,
25 attorneys services, and court reporters services i.e. LA Reporters.

26 178. Plaintiffs were denied due process by Defendants co-conspired with the
27 state bar when Plaintiff filed attorney complaint against Matthew Fairshter and
28 Joel Bennett and it was inappropriately handed by principal investigator Michael

1 O Chavez to such an extent that FBI special agent knew that the complaint would
 2 result in a letter stating that Chavez found that Fairshter and Bennett had
 3 committed no violations of ethics or criminal conduct. The finding of no
 4 violations was specifically orchestrated by the co-conspiratorial actions of the
 5 Defendants.

6 179. Plaintiffs were denied due process by the Defendants, and each of them,
 7 in the Ameriprise State Case BC435030, where Plaintiffs did not get a fair hearing
 8 and were demurred out.

9 180. Plaintiffs were denied due process by the Defendants, and each of them,
 10 in the legal malpractice case BC394851 in that Plaintiff was advised that the case
 11 was for seeking damages for both the Plaintiffs personal account at AEFA and the
 12 Baker Family accounts at AEFA and on May 30, 2012, Plaintiff learned that the
 13 case was solely about Plaintiffs personal account.

14 181. Plaintiffs were denied due process by the Defendants, and each of them,
 15 in the legal malpractice case BC408161 since Plaintiff never received a trial on
 16 the merits due to the unethical and false statements by Stern when he withdraw as
 17 counsel.

18 182. Plaintiff is denied due process by the Defendants, and each of them, in
 19 compelling this Plaintiff to pay the filing fee of \$350 to file this complaint in the
 20 hope of obtaining due process of the 14th amendment of the US. Constitution.

21 183. Plaintiff is denied is due process rights by the Defendants, and each of
 22 them, in compelling the Plaintiff to spend countless hours in preparing this
 23 complaint in the hope of obtaining due process of the 14th amendment of the US.
 24 Constitution.

25 26 Sixth Claim for Relief

27 (Against all Defendants)

28 (Elder Abuse and Dependent Adult Protection Act)

(California Welfare & Institutions Code § 15600 et seq.)

(Disinherited Probate Code sect. 259)

184. Plaintiffs refer to Paragraphs 14-137, above and by such reference incorporate same herein as set forth in full.

185. All times relevant to this action occurring prior to 2019, Plaintiff was a dependant adult as defined under the Elder Abuse and Dependant Adult Civil Protection Act (hereinafter "EADACPA") and specifically under California Welfare & Institutions Code § 15600.23(a) who suffered from various limitations that restricted his ability to carry out normal activities or to adequately protect his rights. Obviously, any statute of limitations has been tolled until the original LC060762 case is judiciously corrected similarly as the original Settlement Agreement of May 2, 2002 was on November 18, 2013.

186. At all times relevant to this action, Plaintiff was first a dependent adult as defined under EADACPA and then after December 20, 2015 qualifies under EADACPA as an adult over 65 years old.

187. At all times relevant to this action, Defendants co-conspired with defendants in 2:16-cv-08434-GHW(FMo)(exh. 6) to cover-up the funneling of millions of dollars of money from the Baker Family accounts to Allen R. Baker Family Trust pursuant to Probate Code Section 259.. And Defendants co-conspiring the incontrovertible evidence that monies were funneled from the Baker family Trust to Frank A. Baker pursuant to Probate code sect. 259.

188. At all times relevant to this action, Defendants co-conspired with Defendants in 2:16-cv-98434-GHW(FMo)(exh. 6) stood in a position of trust to Plaintiffs in that said Defendants, and each of them, created the fiduciary relationship of a financial and/or legal advisor

189. All Defendants violated the EADACPA by allowing various law firms to take Plaintiff's monies in the form of legal fees and by falling to clearly

1 disclose the inter-relationships between said law firms(i.e. that Comanor, who
2 recommended Bennett to Plaintiff as a lawyer; had acted as an expert witness for
3 brokerage firms, including Ameriprise entities and that Donahue had worked with
4 one of the lead lawyers for Ameriprise entities of the SEC in Los Angeles).

5 190. Defendants co-conspired with B&F, Dykema, and R&P when they
6 allowed and encourage others to be silent and not to disclose the conflicts of
7 interest between the Dykema firm on the one part and Ameriprise entities, on the
8 other part, until after the NASD removed Plaintiff's claims against Ameriprise
9 entities to the Superior Court and only disclosed said conflict on the eve of the
10 Superior Court hearing to reopen Plaintiff's Superior Court Case causing
11 additional delay in Plaintiff's right to speedy determination of his grievances. In
12 May 2011, Plaintiff believes that defendants co-conspired with B&F, David, R&P,
13 Dykema, Chia, Bennett, Fairshter, Donahue, Phan, knew at the time of the NASD
14 ruling that it was part of the scheme/plan to deceive Plaintiff that he had to reopen
15 the former Superior Court Case, otherwise Plaintiff would not have been barred
16 by the Statute of Limitations.

17 191. Defendants Ameriprise entities knew or should have known that the
18 statements made to Plaintiff regarding control of Plaintiff's accounts were false
19 and/or misleading and said defendants, and each of them, concealed such
20 information from Plaintiff.

21 192. Defendants co-conspired with law firms who knew or should have
22 known that the failure on their parts to disclose the inter-relationships of the law
23 firms and/or the conflicts of interests were false and/or misleading and said
24 defendants, and each of them, concealed such information from Plaintiffs with
25 intent to deceive and mislead Plaintiffs.

26 193. The conduct of Defendants, and each of them, as described and alleged
27 herein, constituted fiduciary abuse as defined in California Welfare & Business
28 Code § 15610 (f).

194. Defendants, and each of them, are guilty of recklessness, oppression, fraud and malice in the commission of the financial abuse of Plaintiffs described and alleged in this Complaint.

195. Under California Welfare and Institutions Code § 15657 (a) , Defendants , and each of them, are liable for reasonable attorneys fees and costs and for treble damages pursuant to California Civil Code § 3345.

Seventh Claim of Relief

(Against all Defendants)

(FRAUD)

196. Plaintiffs refer to paragraphs 14-137 above and by such reference incorporate same herein as set forth in full.

197. The Defendants, and each of them, perpetrated on the Plaintiff resulted in the Plaintiffs severe financial loss.

198. The Defendants acts were the direct and proximate cause of Plaintiff's severe financial loss.

Eight claim of Relief

(Against all Defendants)

(Breach of fiduciary Relationship

And Federal Fiduciary Rule: 29 CFR

Parts 2509, 2510 and 2550 eff. April, 2017)

199. Plaintiff refer to paragraphs 14-137, above and by such reference incorporate same herein as set forth in full.

200. At all times relevant to this action, there existed between Plaintiff and Defendants, and each of them, a fiduciary and/or confidential relationship upon which Plaintiff justifiably relied on to their detriment. By virtue of their relationship between Plaintiffs and Defendants, and each of them, fiduciary duty

1 existed. Pursuant to said duty, Defendants, and each of them, owed the utmost
 2 good faith and fairness to Plaintiffs in all matters pertaining to Defendants
 3 'conduct with respect to Plaintiffs ' assets and property.

4 201. Defendants, and each of them, accept the reliance of Plaintiff's of the
 5 fiduciary and/or confidential relationship.

6 202. Defendants, and each of them, breached the aforesaid duty as alleged
 7 herein, and in doing so gained an advantage over Plaintiff in matters relating to
 8 the management and control of Plaintiff' assets and Plaintiff' Accounts. In
 9 particular and without limiting the generality of the foregoing , in breaching said
 10 duty(ies) as alleged herein, Defendants, and each of them, are required to disgorge
 11 their profits, and Plaintiff are entitled to an aware in the amount of these profits,
 12 interest on all such sums from date of injury.

14 Ninth Claim for Relief

15 (Against all Defendants)

16 (False Pretenses/Conversion).

17 203. Plaintiffs refer to paragraphs 14-137, above and by such reference
 18 incorporate same herein as set forth in full

19 204. Obtaining property by false pretenses is when a person obtains property
 20 by intentionally misrepresenting a past or existing fact. Plaintiff gave the
 21 Defendants as listed in FAC in 2:16-cv-08434-GHW(FMo)(Exh. 6)

22 205. Defendants, and each of them, co-conspired with the defendants in 2:16-
 23 cv-08434-GHW(FMo)) when they committed the act of False
 24 Pretenses/conversion when they deceived Plaintiff in thinking that Defendants
 25 were gong to do actions that they had promised whether in the nature of financial
 26 advice and/or legal advice and, instead, took the monies with no intention of
 27 providing such services.
 28

Tenth Claim for Relief.

(Against all Defendants)

(Americans with Disabilities Act(ADA))

(42 USC §§ 12101 et seq.)

206. Plaintiff refer to paragraphs 14-137, above and by such reference incorporate same herein as set forth in full

207. Defendants, each of them, deprived Plaintiffs of Plaintiffs' federal and state constitutional and /or statutory right by failing to provide Plaintiffs with the legal and financial services that they promised to provide since each of the defendants had specific knowledge that the Plaintiff suffered from reading, writing and thinking disabilities as detailed in ADA.

208. Defendants, and each of them, deprived Plaintiff of access to quality of life experienced by most Americans when they treated Plaintiff's disabilities as though they were physical disabilities as oppose to being psychological in nature. When a disability is psychological in nature it can take years to treat and therefore, any issue to bringing a claim based upon ADA must be tolled until recovery is had. In instant case, Plaintiff is still recovering.

209. Defendants, and each of them, co-conspired with the Defendants of 2:16-cv-08434-GHW(FMo)(exh. 6) and did so under the color of state law when Defendants, and each of them, deprived Plaintiff their federal rights, property interests and otherwise discriminated against Plaintiff based on Plaintiff's thought disorder. Under ADA there is an abrogation of sovereign immunity.

210. Defendants, and each of them, co-conspired with the Defendants of 2:16-cv-08434-GHW(FMo) to interfere with Plaintiff's psychoanalysis and mental development, his main disability, when they bled Plaintiff of his funds which Plaintiff was using to pay for his psychoanalysis instead to pay for attorneys, forensic accountant, etc.

1 211. As a direct and proximate result of Defendants' violations of 42 USC
2 §§ 12101 et seq, Plaintiffs have sustained grave financial loss.

3
4
5 Eleventh Claim for Relief

6 (Professional Legal Malpractice: Fraud)

7 (Against Defendant AUSA Benjamin Lichtman and all Attorneys who were acting
8 as agents or in some other capacity for the AUSA in the legal situation as
9 described above, State Bar)

10 (CA Business and Professions Code § 1068)

11 212. Plaintiff refer to paragraphs 14-137, above and by such reference
12 incorporate same herein as set forth in full

13 213. All Defendant law firms did perform their legal services with the intent
14 to deceive, manipulate Plaintiffs to Plaintiffs' great financial loss.

15 214. Such fraudulent and deceitful acts of defendants' law firms or through
16 their agents violated Business and Professions Code § 1068.

17
18 Twelfth Claim of Relief

19 (Under Color of Authority)

20 (Against defendants))

21 (Title 18, USC. Section. 242)

22 215. Plaintiff refers to paragraphs 14-137, above and by such reference
23 incorporate same herein as set forth in full.

24 216. Plaintiff alleges that Defendants in their official capacities violated
25 plaintiffs deprivation of rights when they orchestrated the to carry out the scheme
26 as detailed in the factual allegations above under Title 18, USC Section. 242;

27 217. Plaintiff, alleges, Defendants, in their official capacities, orchestrated
28 interference with plaintiff being able to retain attorneys and/or causing the

1 attorneys after retention to withdraw from representation violating the Business
2 and Professions Code.

3 Thirteenth Claim for Relief.

4 (Against All Defendants)

5 (Doctrine of Fraudulent Concealment/Fraud on the Court)

6 218. Plaintiff refers to paragraphs 14 to 137 , above and by such reference
7 incorporates same herein as set forth in full.

8 219. Plaintiff argued both of these doctrines Fraudulent Concealment/Fraud
9 on the Court in the US Supreme Court Petition for Certiorari Case #15-228.
10 Plaintiff will incorporate by reference certain portions of the Petition which is
11 attached as Exhibit 5(cover sheet of Petition and pages 25-39): specifically pages
12 25-39 are incorporated by reference herein which speaks to the issues of the
13 judicially created exceptions of fraudulent concealment and fraud of the court to
14 protect the plaintiff in this case against defendants who conspired to fraudulently
15 concealment certain facts that go to the core of the case and caused great delay
16 now being 19 years since the death of Kate Baker

17 Fourteenth Claim for Relief

18 Federal Torts Claims Act.

19 (Title 4: 28 U.S.C. Pt. VI, Ch. 171)

20 (Against all Defendants)

21 220. Plaintiff refers to paragraphs 14 to 137, above and by such reference
22 incorporates same herein as set forth in full.

23 221. Plaintiff alleges that all Defendants, in their official capacity interfered
24 with Plaintiff legal counsels, the judiciary, STATEBAR and the NASD(now
25 FINRA) and causing harm in that Plaintiff and the Estate of Kate Baker's due
26 process rights to achieve civil damages within a reasonable time.

27 222. The Act usually is for negligence but on occasion it has been used where
28 there is intentionality.

223. Plaintiff alleges that Defendants acts were instrumental along with acts of Defendants in 2:16-cv-08434(GHW(FMo) as the actual and proximate cause of the civil damages sustained by the Plaintiff. Plaintiff alleges that Defendants acts are the actual and proximate cause that made sure that Plaintiff could not keep counsel nor return counsel. Also, Defendants acts were the actual and proximate cause of attempting to get Plaintiff to sign a Release of Allen and Franks tortious(and criminal acts) covering up the illegal transfer of monies from the Baker Family Trust to Allen R. Baker Family Trust which Plaintiff did NOT sign. Additionally, Defendants acts were the actual and proximate cause of attempting to cover up the forgeries of Plaintiff signature on several documents, including but not limited to CNB bank documents, checks from Ameriprise entities.

II. Prayer for Relief

PLAINTIFF respectfully request this Court order, adjudge and decree:

- A. Plaintiff be awarded damages according to proof.
- B. Plaintiff recover from Defendants, and each of them, threefold in actual damages sustained as a result of said Defendants' federal antitrust, RICO and unfair competition violations.
- C. Plaintiff be awarded interest on all damages sustained by Plaintiff from January 2000 to the present time calculated according to the 10% under the law.
- D. Defendants conduct as alleged , unlawful under Section 1 of the Sherman Act(15 USC § 1)

- 1 E. Plaintiff recover from Defendants, interest and reasonable attorney fees as
- 2 provided by the RICO Act and the California Welfare and Institutions Code
- 3 for Elder Abuse. Because plaintiff is In Pro Se attorney fees may not be
- 4 recoverable.
- 5 F. Plaintiff recover from Defendants, and each of them, punitive and exemplary
- 6 damages for Elder Abuse as defined in the Welfare and Institutions Code §
- 7 15600 et seq.
- 8 G. Disgorgement from Defendants, and each of them, the profits they obtained
- 9 from Plaintiff as a result of said Defendants' elder abuse and pursuant to the
- 10 RICO act.
- 11 H. Plaintiff be awarded such other and further relief in law or in equity as the
- 12 Court may deem just and proper.

13 PLAINTIFF respectfully request this Court order, adjudge and decree the
 14 following Declaratory Relief:

- 15 1) This Court order AUSA office and/or the FBI to deliver to Plaintiff the
- 16 entire file of the federal investigation since it was initiated as part of
- 17 discovery.
- 18 2) This Court order the FBI to deliver to the State Bar Investigative Unit all
- 19 attorney complaints forwarded to the FBI by plaintiff since requested by the
- 20 FBI on October 15, 2007 so that investigations can be initiated.
- 21 3) This Court order that the STATEBAR, when an investigation of a member
- 22 is instituted by the STATEBAR's investigation unit, such will be noticed on
- 23 the individual's attorney member Calbars website page. Furthermore, that
- 24 such member shall notify any current client or prospective client that such
- 25 investigation has commenced. This notification shall be in writing.
- 26 4) This Court order the U. S. Department of Justice, Civil Rights Division
- 27 which houses the Americans With Disabilities Division to formulate new
- 28 Rules and Regulations so that children and adolescents up to the age of to

1 due to a stroke and/or head trauma and therefore, to a speech pathologist)
2 and autistic symptoms.

3
4 February 18, 2019



5 ROBERT BAKER

6 In Pro Per
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Exhibit 1

ORIGINAL

1 NASH & EDGERTON LLP
2 SAMUEL Y. EDGERTON, III (CA Bar No. 127156)
3 CHAD WEAVER (CA Bar No. 191984)
4 BRANDON S. REIF (CA Bar No. 214706)
5 2615 Pacific Coast Highway, Suite 300
6 Hermosa Beach, California 90254
7 Telephone: (310) 937-2066
8 Facsimile: (310) 937-2064

9 Attorneys for Defendants
10 American Express Financial
11 Services and Stanley Cohen

FILED
LOS ANGELES SUPERIOR COURT

AUG 16 2002

JOHN A. CLARKE, CLERK
BY M. ALBUREZ, DEPUTY

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF LOS ANGELES

14 ROBERT BAKER, an individual

15 Plaintiff,

16 v.

17 AMERICAN EXPRESS FINANCIAL
18 SERVICES, STANLEY COHEN and
19 Does 1 through 10

20 Defendants.

CASE NO. LC060762

DECLARATION OF ALLEN BAKER IN
SUPPORT OF AN ORDER
DISCHARGING DEFENDANTS-
STAKEHOLDERS AMERICAN EXPRESS
FINANCIAL SERVICES AND STANLEY
COHEN FROM LIABILITY; AWARDING
COSTS AND FEES; DISMISSAL OF
DEFENDANTS

Complaint filed: May 3, 2002
Hearing Date: August 23, 2002
Department: NW Q
Time: 8:30 a.m.

21 I, ALLEN BAKER, declare as follows:

- 22 1. I am over eighteen years of age and not a party to this action;
23 2. I am duly licensed as a dentist in the State of California;

24 Background

- 25 3. Robert is a professional student. He completed law school (never passed any state bar
26 examination), earned a masters degree in financing (never passed any certified public
27 accountant examination) and has a masters degree in psychoanalysis, among other professional
28

1 accolades. To my knowledge, in the past 10 years, Robert has never filed a state or federal
2 income tax return showing any source of income. To my knowledge, he has never held a
3 paying job;

4 4. Robert, our other brother, Frank Baker ("Frank"), myself and the Baker extended family knew
5 in 1985 that our mother, Kate Baker ("Kate"), established the Robert Baker Trust ("Trust").

6 5. Robert *knew* about the existence of the Trust as of the date of its creation or, at the very latest,
7 in the early 1990s, after Kate transferred the Robert Baker Trust securities account ("Trust
8 account") from Merrill Lynch, Pierce, Fenner & Smith, Inc. to Bear, Stearns & Co., Inc. In
9 March 1996, Kate again transferred this account to defendants American Express Financial
10 Services ("AEFS") and AEFS representative Stanley Cohen ("Cohen");

11 6. Kate was the settlor and trustee of the Trust and Robert was the beneficiary only. Robert had
12 no right to liquidate the Trust. The Trust empowered the trustee with discretionary authority to
13 distribute to Robert Trust proceeds;

14 7. Kate regularly discussed with me the management of the Trust account. Kate was concerned
15 about Robert's well-being. She instructed Cohen and I that Robert must have *no authority* to
16 effect transactions in the Trust account;

17 **Kate Funded The Trust**

18 8. Kate sourced the Trust account with personal funds;

19 9. Kate also sourced every deposit (cash, securities or other) into the Trust account. This
20 includes the alleged \$320,000.00 and \$600,000.00 that Robert claims was his own money.
21 Indeed, Kate not only sourced these funds, but directed Robert to deposit them in the Trust.
22 The claim that the money was Robert's personal money is false;

23 10. Kate also purchased two homes for Robert, one in West Los Angeles, California and the other
24 in Woodland Hills, California. Upon selling the Woodland Hills home, Kate sourced the
25 proceeds to the Trust. Kate also purchased land in Hollywood, California. Upon selling the
26 Hollywood land, Kate sourced the proceeds to the Trust;

27 11. Kate also provided Robert with \$5,000.00 monthly income distributions from the Trust. In
28

short, Kate fully supported Robert financially;

12. Kate directed every transaction in the Trust account;

Plaintiff Tries To Break The Trust

13. In or about 1998, Robert created a revocable trust document for Kate to sign, which allowed Robert to liquidate the Trust upon Kate's death. Kate refused to execute this document as it would essentially break the Trust and authorize Robert to liquidate the Trust funds;

14. In or about November 1999, Kate was suddenly ill due to a complication relating to her terminal cancer. She was admitted to the hospital;

15. While Kate was in the hospital, Stanley Cohen telephoned me. He asked where my mother was because his numerous telephone calls were not returned. I informed Cohen that Kate was admitted to the hospital;

16. I was present at the hospital when Cohen informed Kate that Robert tried unsuccessfully to liquidate the Trust for his personal use. Kate informed Cohen that the Trust stands as is and Cohen is to not break the Trust at the behest of Robert;

Allen Becomes Successor Trustee

17. Kate died on January 28, 2000;

18. Upon her death, I became successor trustee. While I knew that I would be trustee, I did not know what that meant. I only accepted this role because that was Kate's wish;

19. I instructed Cohen to continue to manage the Trust in accordance with Kate's original instructions;

20. In or about February 15, 2000, Robert requested that he have a "say" in the investments of the Trust. I permitted Robert to suggest prospective investments for the Trust account. However, I instructed Robert and Cohen that Robert is to make no transactions in the Trust account without my expressed authorization. I directed Cohen to first discuss with me any investments requested by Robert with regard to the Trust. Because Robert suggested only speculative investments (such as QQQ and hi-tech stocks), I rejected each of Robert's suggestions;

Robert Initiates Litigation To Break The Trust

- 1 21. Kate's will devised her assets in equal shares to Frank, Robert and I. Robert, unlike Frank or
2 I, was still bound to the Trust. There was no provision authorizing Robert to liquidate the Trust
3 for his personal use;
- 4 22. Robert sued Kate's estate, Frank and I. Robert alleged, among other things, that the Trust and
5 Trust account should be liquidated (the "estate litigation");
- 6 23. In the estate litigation, Robert claimed that all the money in the Trust was his own personal
7 money. However, Robert provided not one piece of evidence at his deposition to prove this
8 claim. Under questioning by my lawyer, Robert *admitted* that:
- 9 a. *all his money in the Trust were sourced by Kate;*
10 b. *he knew and understood that the money sourced by Kate were directed to the*
11 *Trust; and*
12 c. *less than one hundred dollars (\$100.00) -- of the hundreds of thousands of dollars in the*
13 *Trust -- was sourced by Robert's aunt.*
- 14 24. Robert sourced zero funds into the Trust;
- 15 25. In or about December 2001, Robert, Kate's estate, Frank and I entered into a mediated
16 settlement agreement. As part of the settlement, I gladly resigned as successor trustee to be
17 succeeded by City National Bank;
- 18 26. On July 17, 2002, I received the transfer documents from Cohen and immediately executed
19 them and sent them back to Cohen;
- 20 27. In addition, I have had numerous conversation with Mr. Bryant at City National Bank wherein I
21 agreed to fully cooperate with City National Bank to expedite the documents necessary to
22 effect the transfer of the Trust money from AEFS to the new Robert Baker Trust with trustee
23 City National Bank;
- 24 28. As of this date, Robert never executed the documents to transfer the Trust. Instead, he is
25 refusing to complete the transaction, for what reasons I do not understand;
- 26 29. When the estate litigation began, I instructed Cohen to not transact in the Trust account until the
27 estate litigation was resolved;
- 28

30. After the estate litigation settled, I instructed Cohen to stop distributing monthly income to Robert in the amount of \$5,000.00;

Robert's Dispute with AEFS and Cohen - Interpleader

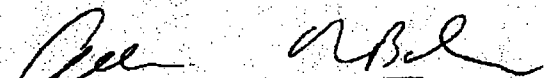
31. At end of business on July 18, 2002, I returned a telephone call to Brandon S. Reif, counsel for AEFS and Cohen. We discussed the dispute concerning the Trust;

32. I advised Mr. Reif that as of December 2001, the date the parties to the estate litigation executed the stipulation, I was no longer the trustee of the Trust. Further, as of July 17, 2002, I executed the transfer papers, the same day I received them, to have City National Bank succeed me as trustee of the Trust;

33. Mr. Reif asked me whether I would object to releasing any Trust assets to Robert. I advised Mr. Reif that I will not agree to release any funds to Robert personally - only funds into the Trust account with AEFS or City National Bank.

I certify (or declare) under penalty of perjury that the foregoing is true and correct..

Executed on August 15, 2002, in Hidden Hills, California.


ALLEN BAKER

P:\DATA\AEFA\Baker\Interpleader Discharge Cohen Allen Baker.affv

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles. I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 2615 Pacific Coast Highway, Suite 300, Hermosa Beach, California 90254.

On August 16, 2002 I served the following document described as:

DECLARATION OF ALLEN BAKER IN SUPPORT OF AN ORDER DISCHARGING DEFENDANTS-STAKEHOLDERS AMERICAN EXPRESS FINANCIAL SERVICES AND STANLEY COHEN FROM LIABILITY; AWARDING COSTS AND FEES; DISMISSAL OF DEFENDANTS

on the interested parties in this action by placing the true copies thereof enclosed in sealed envelopes as follows:

William F. Davis, Esquire
11400 W. Olympic Blvd., Ste. 200
Los Angeles, California 90064

() I deposited such envelope in the mail at Hermosa Beach, California. The envelope was mailed with postage thereon fully prepaid.

() By Personal Service, I caused such envelope to be delivered by hand to the individuals at the addresses listed.

(X) By overnight courier, I caused the above-referenced document(s) to be delivered to an overnight courier service (Federal Express), for delivery to the above addressee(s).

(X) By facsimile machine I caused the above-referenced document(s) to be transmitted to the above-named person at the above fax numbers.

(X) (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

() (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED this 16th day of August, 2002 at Hermosa Beach, California.

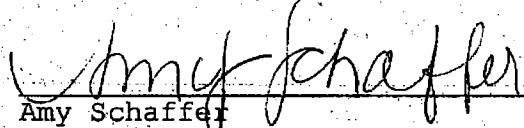

Amy Schaffer

Exhibit 2

I. PETER GLAUBER PHYSICIAN, 67, DIES

Psychiatrist Specialized in
Disorders of Speech

Special to The New York Times

WHITE PLAINS, Dec. 10—

Dr. I. Peter Glauber, a psychiatrist and psychoanalyst who specialized in treating functional speech disorders, died of a heart ailment today in White Plains Hospital. He was 67 years old and lived at 121 Old Mamaroneck Road. He maintained an office at 829 Park Avenue in New York.

Dr. Glauber was consulting psychiatrist at Hillside Hospital in Glen Oaks, Queens, and consulting psychoanalyst for the Children's Village in Dobbs Ferry and for the Westchester Jewish Community Service. He received a medical degree in 1925 from New York University and taught clinical psychiatry there from 1942 to 1952.

After serving as attending psychiatrist and co-chief of the psychiatric clinic at Lenox Hill Hospital, from 1946 to 1949, he was supervisor of psychotherapy at the New York Psychoanalytic Treatment Center and chief of the speech division at the University Hospital psychiatric clinic.

Dr. Glauber was co-author of "Specialized Techniques in Psychotherapy," published by Basic Books in 1952, and "Stuttering: A Symposium," published by Harper in 1955. He was a fellow of the New York Academy of Medicine and American Psychiatric Association, a diplomate of the American Board of Psychiatry and Neurology, a former president of the Westchester Psychoanalytic Society and a member of the New York Psychoanalytic Society, the American and International Psychoanalytic Associations and the American Speech and Hearing Association.

Surviving are his widow, the former Helen Malmud; a son, Neil; a brother, Max Glauberman, and a sister, Mrs. Jack Gordon.

A funeral service will be held at 2 P.M. tomorrow at the Westchester Ethical Culture Society, 7 Saxonwood Drive.

*Dr. H. H. H. H.**May 23, 1952*

THE MOTHER IN THE ETIOLOGY OF STUTTERING

The nuclear etiologic factors in the stuttering syndrome lie in specific elements in the personality structure of the stutterer's mother. This paper presents an exposition of these elements and their arrangement in a series of increasing specificity. Needless to say, there are many hiat in the knowledge of choice of neurosis, especially in the lack of analytic material on groups of mothers of children with related syndromes such as tics, perversions, addictions, depressive and schizoid states, all showing similar but not quite the same deficiencies in ego organization.

The clinical material upon which this paper is based comes from three sources, conclusions from which approximate each other and point up similar basic elements mentioned. The sources include: the study of the family constellation of seventy-five parents of stuttering children by the extensive method in the form of diagnostic and therapeutic sessions of as many parents; material from analyses of adolescent and young adult stutterers; and finally, material from the analyses of the mothers themselves.

I

The Mother Within the Family Constellation

The following material, which is not a statistical summation of genetic and characterologic data, was selected because it was observed so uniformly that its significance appeared inescapable.

that this material itself is highly specific qualitatively and be quantified; it may be more so quantitatively. Undoubtedly, however, it is the carrier of more highly specific elements and thus may be regarded as a significant peripheral layer in the net of specificity.

To begin with, the mother's mother was usually a withdrawn, self-centered, perfectionistic individual. Whether passive or active herself, she was always in part identified with some member of her immediate family who was or stood for an idealized active person. Our patients, the mothers, acquired the same idealization of activity which, however, always conflicted with an even stronger craving for passivity. This conflict originated very early in her life and remained outstanding throughout.

Usually her father was relatively passive and ineffectual; her mother often gave the appearance of martyrdom; and the marital relationship was hardly ever a happy one. Noteworthy was the compliant, ingratiating dependency upon her mother and her compelling need to win her approval and love, often attained by passivity or by slavish activity. The imitative identification was with her as well as with her ego ideal. The manner of expressing it depended chiefly upon whichever one her mother liked the better. Contradictions between her actual ego and her ego ideal were repressed and projected or rationalized.

Mother's relationship with her own father was similarly one of imitative identification though imitation of him was less slavish, partly because of the negative adipal factor, and also because her main attachment was to her mother, who was the more dominant parent.

The father was frequently more liked as he was the less controlling parent and was occasionally actually allied with the children against the mother. When he was admired, daughter like mother envied him at the same time. Mother often dealt with her siblings as a mother substitute and acted toward her own father in the same fashion after her mother's death. It was noteworthy that from early life she related to her mother, father, siblings, and others chiefly by means of identification.

Her surface appearance varied. She might appear pleasant and outgoing, noticeably aggressive or passive, or very sweet and ingratiating, or else withdrawn. However, what was characteristic was the utilization of any one of these attitudes for controlling others.

Usually the mother encountered difficulties in choosing love objects and in maintaining these relationships; hence marriage, child bearing and rearing became charged with problems. To begin with, the object choice was unnatural. Often it was a choice "on the rebound". After having been in love for a long time with an older man, evidently the edipal model, she suddenly interrupted the relationship. "Somehow" she could not marry him or found an obvious rationalization. Conversely, one mother stated she knew instantly she was going to marry her husband when she first met him, despite the fact that he had a noticeably crippled nose. Of course it happened, not in spite of, but because of what this nose symbolized to her. Another mother always admiring older men, intellectual, active and accomplished, was unable to marry such a one but did marry an ineffectual man because, in addition to the

label for aggressive man, she could marry only on the basis of identification with her own unconscious ego ideal that of a passive, irrationally optimistic individual. She was the product of a very passive, retiring, self-indulging mother and a hard-driving father. Other mothers in this series married to men who became prominent suffered a diminution of self respect and of the sense of their own identity or "ego feeling", not adequate to start with. While they regarded their husbands with admiration, they thinly disguised their envy and rage.

These marriages can be described as pseudo-masochistic; on the surface the masochistic components were found more predominating and constant, the sadistic -- more infrequently and sporadic. The variable hostility patterns had the same basic aim: the need to possess and control husband and child, as one does an inanimate possession or a utility, or better still, an organ of one's own body; in other words, the aim of narcissistic union with the object. The child was often the recipient of frank aggression syphoned away from earlier objects -- self or husband. This fact explained the striking observation made fairly early in treatment of the comparative ease with which aggression was redirected to the earlier objects, resulting very soon in definite improvement in the stuttering child. In caring for these children, all the mothers experienced exasperation frequently exploding in rage. These reactions stemming from fear of separation were understandable in view of the over-extension of patience and pleasing efforts, plus the reactive negativism on the part of the children. Withdrawal and dependency leanings on the part of the husbands were additional

preoccupations for emotional catharsis or silent suffering of these mothers.

After a few years of such a marriage, the mother became aware that a radical change had come over her. She regarded herself burdened by the relationship which she experienced chiefly as a duty. The sexual life offered minimal satisfaction for which the husband was generally blamed because he poorly played the expected combined role of phallic mother and passive father. The home was occasionally referred to as prison, hell, or cemetery. Some mothers could relax comfortably only if the husband and children were away and only then could they allow themselves to primp and enjoy feminine clothes before a mirror. Frequently there was a return to masturbation. Added to the masochism, other common symptoms which emerged were anxiety, hysterical states, insomnia, and depression. But there was evidence that these symptoms already existed before marriage but in a much milder form.

What has been described may be formulated in psychodynamic terms as follows: The majority of these mothers had had a relatively stable form of a schizoid character: these originally schizoid characters were objectively withdrawn and subjectively devoid of conscious pleasure. I have referred to them elsewhere as anhedonic.⁶ By living in a close marital relationship the schizoid character was transformed into a less stable state showing anxiety, hysterical symptoms, and depression. However, their greatest emotional difficulties came to the surface with the birth of a child, a boy in eighty percent of the cases. Seemingly paradoxically, the pregnancy was generally enjoyed more than any

other life experience. These difficulties revealed some of the underlying psychological conflicts. The labor was described in lurid, dramatic terms; she was "torn, ripped to pieces", the damage seemed "irreparable". In some vague ways she "never felt quite the same since".

The first year of the child's life was most frequently marked by some form of feeding difficulty, often serious, especially anorexia followed by forced feeding. At best, feeding was not smooth and steady; definite ambivalence about nursing and feeding could be discerned by observation. Occasionally the mother openly expressed one basis for it: a fear that the child would devour her. Weaning was difficult and prolonged. This struggle was only an aggravation of the prevailing feeding problem in which unconscious attempts at weaning were combined with efforts at forcing. The child cried a good deal, was more restless and over-active in comparison with his non-stuttering siblings. The opposite picture -- an unusual degree of inertness and anorexia -- observed less frequently, was associated with tenseness and shallow irregular breathing, and approached the clinical state of marasmus. The first year set the tone of the relation to the child: an increasingly burdensome anxiety about the care of the child and an increasing negativism on the part of the child. These difficulties continued into the second year and found new expression in the important problems of this age, particularly weaning, toilet training, locomotion, and beginning of speech. Added to the maternal anxiety there was a feeling of inability to cope with the child's problems, a desire for advice and an inability to follow it.

Characteristically, there was further maternal anxiety about the onset of speech. Consciously it was often expressed as a fear of delay in learning or a fear of indistinctness. The normal hesitations and iterations associated with the beginning of speech were not with tension. They seem evidenced stuttering and its consequences in life terms. Significantly, most of these mothers were speech conscious. Unconsciously, they equated good speech with aggressiveness, above all the father but feared the latter. Any activity, particularly one flowing from the child's own initiative -- whether it involved eating, speaking, elimination, or independent locomotion -- was regarded by the mother fearfully as equivalent to oral aggressive destruction of her and the environment, and was reminiscent of the expressed fear of being devoured during nursing. This fear increased as the speech became more incisive and more sharply directed to particular objects. By contrast, there was less fear of oral aggression in relation to the earlier echolalic or babbling speech and singing, both of which are less incisive and less directed toward objects.

In addition to the two findings just mentioned -- the mother's speech consciousness and her anxiety about her child's beginning to speak -- a third finding fitted into the picture -- the fact that very frequently either her brother, father, or husband stuttered. All of the husbands -- the fathers of the stuttering children in this series -- were interviewed, and what was noteworthy about them was the great frequency of cryptic stuttering among them. Mother's speech consciousness and the frequent presence of stutters among the male members of her family were definitely

related to her object choice -- a man who often stuttered or was a hidden stutterer. These psychological facts were in contradiction to her usually crediting paternal heredity with the exclusive cause of stuttering. In our opinion they dispose as well of the concept of the constitutionalist who regard stuttering as a sex-linked hereditary disorder transmitted by the female and affecting the male.

Beginning of school was the second important age for the onset of stuttering. This period was also the occasion of increased maternal anxiety. Thus there was a correspondence between maternal anxiety and onset of stuttering.

By this time the mother was definitely aware of a peculiar relationship with the boy. There was an irrepressible need to be involved with him accompanied with anxiety; an inability to handle him spontaneously and easily; an uneasy awareness of mutual strivings, provocations and negativism. Occasionally, hatred for the child was conscious; generally, however, this feeling was pre-conscious. Consciously, the feeling of love was strong and in the large majority of cases much affection and care were lavished. However, the constancy of the giving was always impaired by hesitation and anxiety.

Recapitulation

So far it appears that this mother lived in a state of mental equilibrium as a result of cathecting object representations secured by distance from real objects. The representations are of

objects as phallic idealized images and part-objects as passive images, and in these her own mother plays a dominant role. Getting close to real objects -- husband and child -- produced a change in which the intrapsychic elements became allegorized. By virtue of that fact and its apparent cause -- separation -- anxiety emerged, other symptoms followed, along with efforts to restore the status quo. Thus there is a projection of early images of objects and of self upon husband and child. Further elaboration of this process will follow presentation of material from analyses of these mothers.

II

ANALYTIC MATERIAL FROM STUTTERERS

The Mother Seen Through Reconstruction: As was stated before, early identification with images of parental and familial objects and part-objects making up the unconscious components of the mother's ego structure are later projected upon husband and child. The child's self-image or images therefore reflect the maternal self-images. Analyses of the adolescent and young adult stutterer reveal a feeling of complete oneness with mother and a uniformly repetitious quest for the same feeling in all but the most casual relationship. On deeper levels, this quest in the form of excessive optimism and ecstatic moods could be found, especially in connection with escapist fantasies in relation to choice of vocation and vacations; the latter two, curiously, being often confused. Rarely, however, were these manifestations found on the surface. There, usually defence reactions guarded against repetition of his original identification with his mother and consisted of withdrawal,

passion, weeping and complaining, or auto-masochism. These reactions, while serving as defense also offered instinctual gratification, thus resembling symptoms.

The underlying quest for identification was indiscriminate; its aim was passive -- to be incorporated; its object -- the mother; and goal -- to attain identity with the narcissistic ego ideal -- the phallic mother. Whether it could be worked out, the body image of the subject in a state of separation was that of a part-object; an ablated breast or phallus. The body image of the object in the same state was that of a castrated individual.

Since they were one with mother, these stutterers were overtly not involved with them in any real way. Unmarried stutterers seldom mentioned them except in crises of breaking from them, and usually became strongly aware of them as individuals only toward the end of the treatment. Among the married, this fact constituted a basis for marital difficulties which they found extremely hard to recognize as the identification was completely repressed.

The following is an instance of the phallic identification and its masochistic expression. A twenty-five year old girl, who was in analysis because she stuttered, was negative and quarrelsome. She was embattled with her mother, who was an infantile and aggressive woman, who blocked her daughter's normal activities. Self-expression meant to the patient to be a phallic person, and this wish was hinted at in her stiff bearing and in her boyish dress, coiffure, etc. But to act out such aggressive identification more fully in her daily life would be tantamount to being destructively aggressive. Fear of this, and fear of retaliation, led to inhibition of activity, even activity in the service of essential passive

feminine longings. In her passivity the symbol remained the same, but not the body-phallus fantasy represented a wish to be touched, i.e., incorporated. Passive and active aims both meant danger in different ways and were inhibited. Therefore her behavior in all areas -- sexual, social, occupational, was blocked.

The setting of the instance to be described was the emergence of affectionate feelings toward the analyst which she feared would trap her into a relationship which would expose her and hurt her. These feelings created a conflict symbolized by a wish to be incorporated and a wish to be ejected. The conflict was acted out in a curious way on the day following an analytic hour in which she came close to expressing positive feelings. She commuted to work from a nearby suburban town. Occasionally when she had to stand she remarked to the conductor, "No seat, no ticket." A few times he did not trouble her further, at other times he found her a seat. One morning of that particular day when she made the same remark the conductor insisted that she show her ticket, and she was equally adamant in her refusal. Whereupon he signaled the train, an express, to stop at the next local station and ejected her from the train. She felt hurt and humiliated; was furious and angry at the passivity of the other commuters. But at the high point of the experience she felt strangely elated, felt like crying, and heard herself exclaim with mixed feelings, "And I let him do this to me!" Discussing this episode at the next hour she made a slip of the tongue. Consciously she wanted to say, "I would have taken my seat.", but instead she said, "I would have taken my ticket." She added she was not really interested in being given a seat that morning.

Apparently she did indeed and state her wish to attain an active reaction to her passive attitude; her "standing pat" apparently expressed her phallic body-image and its passive, exhibitionistic aim -- to be touched and incorporated. Her passive resistance was a pseudo-aggression, a provocation. It attained for her fulfillment of the wish to be touched or incorporated symbolically. The symbolic incorporation could be secured through an actual ejection where the latter might be considered a defense against an actual incorporation. Again we see the substitution of object representation cathexis for object cathexis.

That was the same wish she had in transference where she regarded the analyst alternately as an ideal loving, active or phallic mother and a hostile, rejecting one. Of the two images, she regarded the latter as the more real, the one she had more experience with in provoking her mother and defending herself against her. She was aware of her oral aggression in the form of her quarrelsomeness, regarded the trait and herself as one, equally unattractive. She was certain no one of her boy and girl friends could like her steadily and that she would ultimately be left out -- ejected or expelled.

Her deepest phantasies were hinted at in some of her behavior: it was hard for her to adjust to time in appointments and arrangements. She acted as if time were endless. Relationships with friends and transference were treated and spoken of jokingly as if they did not seem real or did not matter. The wish for identification by losing herself, or her own identity, in that of another was shown in her inability to plan her budget realistically. She tended

to run up a debt for her analytic fee. Her irrational budgeting involving spending, borrowing and owing, suggested the pathological optimism stemming from identification with the incorporated breast which was also responsible for her inadequate sense of reality. Furthermore, she used her debt as a protection for expulsion from treatment and flirted with the idea. She fantasized the aim of expulsion, though painful, to circumvent her original aim to be touched or incorporated which she felt to be more painful and ultimately leading to expulsion. The change represented a kind of short circuiting of expected events, or the familiar defense against a traumatic experience by a shift from the passive to the active role.

This shift can be understood on another level as a wish for identification with the actual mother, where the touch represented an acquisition of a charge of aggression. This cathexis resembled libidinal cathexis in one important respect, namely, that it, too, can constitute a defense against what is perhaps the greatest fear: deep regression to passivity.

The combination, of course, represents an important aspect of sadomasochism. As observed in this patient, and in other stutterers, sadomasochism expresses a defense against identification with the phallic mother, aggressively conceived. At the same time it is also a gratification of this identification in repressive terms, where the ego acquires mortid cathexis. It is thus a defense as well as an instinct derivative.

Incidentally, sadomasochism is common among stutterers. It is observed when they are engaged with, what is for them, a struggle to attain and maintain total-object relations. When they are not

engaged in this struggle, which happens frequently either as a fixed style or periodically, i.e., when they are detached from objects and are in the more stable, peaceful state, they are not sad-masochistic. They then are unidominant: they are devoid of conscious pleasures which they enjoy unconsciously through representation, but they do not suffer pain.

A second patient, a male statesman of thirty, returning after a trial interruption, began the hour by saying: "What I need is an earthquake... I mean an explosion or an eruption, a shot out of hell, or out of the blue, something violent." In his analysis, he hardly ever mentioned his mother, was much involved with his father for being a very dependent frightened man who retired before fifty, led a life of a substitute housewife and preached to his son dependence upon strong men, ingratiation and unobtrusiveness, "marrying the boss' daughter", etc., as techniques for success. He resented this style of behavior in his father, his being a poor example, and his preachments. In addition he remarked that he saw no difference as regards these attitudes between his father and his mother. She accepted his way of life, did not contradict his preachments, perhaps even encouraged him. If anything she was stronger than his father. At his work, however, he behaved as if he put into practice all the attitudes of his father. He kept a position which he regarded as inferior, looked upon the firm as a family group in which he was also identified with its head, a woman. He behaved sad-masochistically towards her, but did nothing realistically to advance himself either in this position or in any other.

He returned during one of his recurring periods of depression over his lack of progress at his job. In the past, the analysis of similar periods disclosed the emergence of passive wishes whenever it came to plan and initiate some constructive activity in the various areas of his life. When it came to act, he would virtually always say, "How then do we start." He did the same this time as he spoke of his lack of courage and confidence and his inability to see or to know what he was going. He began, "Let us -- you and I --", then recognizing his use of "us", added with feeling, "That's the hell of it." The "us" signified the wish to maintain identity on the primitive level of symbiosis or approximation. That was the "hell" he wished to be shot out of and he began to act or retreat -- but passively. The trial interruption activated the working between which was essential for proving how he handled it, namely, by incorporating the breast and becoming identified with it.

His passivity followed from his body-image of breast, later phallus, in union with the phallic mother. Separation, then, was indiscriminately felt as a hostile act. Even separation in the interest of growth by permission for active identification with an adult role was felt as hostile to the only meaningful ego image -- that of being one with the phallic mother. It was a hostile act to be separated from that unity and it was at the same time "hell" to remain in regression in the status of an organ (part-object) within an organism. To be separated meant to be ejected into an aggressive world as a passive organ not yet sufficiently cathected with either libido or aggression to be able to function as a definite organism. It was in this situation that he asked to be pushed out violently.

It was a demonstrable reaction reminiscent of the first patient, providing her sustenance from the Wain and the analysis.

Further determined in the maternal identity of these staff-
 even was the fact of the unique relationship of the large majority
 of the patients. They were seldom occupied with their stuttering
 legs in active play or in activities which they themselves planned
 or initiated. However, when they were not in virtual flight from
 these legs, when they relinquished to their wives' care, the
 quality of their involvement, especially their overreliance and
 overprotectiveness, duplicated or approximated the role of the
 mother as just described. Other examples of the psychological
 similarity have been mentioned.

III

Case Histories: Examples of Clinical Material From Analysis of Mothers

Case I: The patient was a thirty-five year old mother of two
 girls of thirteen and ten. The younger one stuttered since she began
 to speak, and during the 1st year, misarticulated openly at home and
 school. The patient suffered from chronic depression which she,
 more or less, accepted with resignation.

The mother, who was the youngest, had one brother and two
 sisters. Both of her parents were detached individuals -- her
 mother was narcissistic, beautiful, perfectionistic. Our patient
 saw her regularly but did not feel very close or natural in her
 presence. Her father, self-absorbed in his artistic work as a
 painter, died when she was twenty. Our patient related herself to
 all members of her family and especially the parents by means of

children appeared as boys. She enjoyed lyric poetry which was "pure" and dehumanized, also nihilistically distorted tales like "Alice in Wonderland" to a morbid degree. As will be detailed later distortion was equated with castration.

The patient reacted to masturbation of her daughter with anxiety, was unable to observe any related details, to comprehend discussion, or to take any steps regarding this problem. She thus repeated the repression of her own masturbation when this problem recurred in the life of her child. As she never spoke of her own masturbation directly, her reaction to the behavior of her child was the nearest light she shed on it, a form of acting out. She often acted in the analysis as if it were a fencing match, and she sometimes implied as much. After the analyst would interpret some bit of her behavior, she would exclaim "Fouche". Her child's open masturbation was like her own phantasies, a bid for love, similar to a magical gesture, as the father was withdrawn and the mother, our patient, ambivalent. This explains why the open masturbation ceased when the parents, in recognition of the child's expressed wish for more positive and consistent attention, became more affectionate and more constant.

The following series of identifications or equations were thus established: the child's open masturbation = the mother's phantasies = transference behavior. The activistic components in all were exhibitionistic as well as provocative and could be regarded as expressions, like magical gestures, representing a plea or bid for passive incorporation. What was exhibited in each instance was the phallus, symbolized by the body, belonging to the object chosen

for the instinctual striving. Yet the object of the sexual striving was not only the phallic mother. Ultimately it was the self, the finding of the self as object for narcissistic investment.

Her enjoyment of lyric poetry was already mentioned, but words in general had for her a unique value in themselves. She enjoyed their dimensions, sound and shape; or was acutely pained by certain words or their usage. To her words were objects of love and hate. On one occasion she compared the disappointment in an expected book -- "It's verbiage" -- to the giving birth of children who were born lifeless or deformed. Her children were thus a disappointment and felt to be deformed or distorted -- castrated boys. This fact also suggested a possible explanation of her fascination for such tales of distortion and nihilism as "Alice in Wonderland". The fact that expressed words had such meaning to her and produced such effects is further proof of the body-phallus identity and that words were equated with phallus and phallic emissions -- emissions and children felt to be products of aggression which, later sexualized, rendered them sadistic. This state is in contrast to phallic union in which aggression is fully integrated or fused with libido.

Identification with parents felt to be aggressive and who could stimulate so much aggression (especially the idealization of a dead parent the reality of whose death has not been sufficiently assimilated) cannot be understood except by the assumption of the functioning of predominant morbid drives. This explains why the patient's main symptom was depression and why she sometimes referred to her home as a prison and a cemetery. She was an example of Freud's statement that there are individuals in whose instinct

constitution there is a preponderance of the death instinct.

Her choice of objects for identification and her manner of attaining it caused the aim of her instinctual striving to be the most regressive and destructive. The other mothers differed from her to the extent that their objects were regarded less destructive, though their aim was approximately the same; to lose their own identity, or never fully attain it, and sleep. Of course, the degree of awareness of the aim and the strength of the repression made an important difference in each case. In this mother sleep meant death mainly, though the wish for rebirth was suggested. The reverse was true in the others. For them infantile omnipotence and pleasure spelled freedom from anxiety and tensions of all kinds, especially separation anxiety. Thus it was a return to the sources of libido in the id.

Incidentally, after the conclusion of the analysis it was learned independently that the mother of this patient frequently told of her many and gruesome attempts to abort when pregnant with the patient. It brought to mind the paper by Ferencsi, Das Unwillkommene Kind und sein Todestrieb. (Int. Psycho. f. Psa. Vol. 15, 1929). Therein he states that these children noticed their mothers' unconscious impatience which negatively influenced their desire to live.

In summary, this mother demonstrated deeply regressive, intruterine drives, the accent being primarily on morbid cathexis. Phallic phantasies and behavior suggested the phallic body image, the genesis of which were the both parents -- frustrating and distant.

depressive quality in her manner. She enjoyed thinking things through. She had a university training which she earned herself, was a good teacher, a successful and respected civic worker in her community. Though face was important to her she could cry fairly easily when depressed during her analytic hours.

As was the case with the first patient, a considerable part of the analysis dealt with her unhappiness in observing and dealing with the problems of her daughters, especially the older daughter, J., who stuttered. The girl was unhappy, a poor mixer; looked gawky and wore glasses. She was intellectually superior, did well in school with little effort. The mother wished her to go out with boys, yet the thought of her daughter getting throw her into a state of anxiety and confusion. She feared the results of inhibiting the girl as well as the results of any indulgence.

As an illustration of the latter, she told the following incident: When J. was a little girl of pre-school age, she once told her mother that a boy of her own age "touched bottoms" with her and that she might have a baby. Recently she mentioned to a girl friend that she might have a baby. It was difficult to ascertain whether J. had a delay in her menstruation, whether she merely repeated the infantile idea, or was acting out a phantasy. The mother was certain after talking with J. that there was no basis for concern. Yet she was in a panic about the rumor spreading among the girls and boys who knew that J. was occasionally seen with a supposedly undesirable boy. She was completely devoid of humor about this matter; was seriously considering discussing it with some of the mothers in the neighborhood, yet could not.

She was unable to be helpful to her daughter in a spontaneous and natural way when J. seemed furtive and preoccupied. She resented J.'s absorption in books and her liking to be waited on at home. She was annoyed by her shyness. She wanted her to be more active and outgoing on public occasions and in sports; urged her to be in the school bank and bought her an expensive clarinet.

Fatigue saw in her daughter's passivity and shyness resemblances of important traits of her mother, her husband, and a cousin of his who was mentally ill. The reference to the mental illness, the exaggerated concern about J.'s wearing glasses, and the fear of social ostracism occurred at the time she was concerned about J. going out with a boy from the neighborhood considered by her to be socially inferior. It was clear that she was anxious about the consequences of sexual stimulations, particularly masturbation as well as the girl's developing feminine sexuality in general, equating both with castration and social inferiority. The anxiety was maintained because, though consciously she strove to be enlightened about her daughter's growth, identified herself with it and did not inhibit her, unconsciously she felt guilty and feared consequences.

Her wish to comply with her own feminine drives and thus become different than and separated from her infantile mother led to fear of "realistic consequences" of imaginary castration and realistic ostracism. This fear antedated the later edipal anxiety with which it combined. The anxiety was maintained as long as J. postponed or refused to adopt her mother's defenses: her activist social behavior -- being a civic worker, planner, manager and